

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

JASON DAVIS and :
JENNIFER DAVIS, :
 :
Plaintiffs, :
vs. : Case No. 1:24-cv:0202
CHARMAINE McGUFFEY, et al., :
Defendants. :

* * * * *

DEPONENT: Jay Gramke
DATE: February 21, 2025

* * * * *

Kristina L. Laker
Court Reporter

BARLOW REPORTING & VIDEO SERVICES, LLC
620 Washington Street
Covington, Kentucky 41011
(859) 261-8440

1 The videotaped deposition of JAY GRAMKE taken
2 for the purpose of discovery and/or use as evidence
3 in the within action, pursuant to notice, heretofore
4 taken at the Hamilton County Prosector's Office, 230
5 East Ninth Street, Suite 4000, Cincinnati, Ohio, on
6 February 21, 2025, at 9:00 a.m., upon oral
7 examination, and to be used in accordance with the
8 Federal Rules of Civil Procedure.

9 * * * * *

10 APPEARANCES

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ALSO PRESENT: Jason Davis
 Jennifer Davis
 Peter Stackpole
 Andy Prem
 Joe Overholser, CLVS

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7 (Exhibit No. 21 was retained by counsel.)

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1 THE VIDEOGRAPHER: We are now on the
2 record. The time is approximately 9:16 on
3 February 21, 2025.

4 This is the video deposition of Jay
5 Gramke taken in the matter of Jason Davis
6 and Jennifer Davis versus Charmaine
7 McGuffey, et al., which is being held in
8 the United States District Court for the
9 Southern District of Ohio, Western
10 Division at Cincinnati. The case number
11 is 1:24-cv:0202. And our location today
12 is 230 East Ninth Street, Eighth Floor
13 conference room, in Cincinnati, Ohio.

14 Will counsel please introduce
15 yourselves for the record.

16 MR. WIEST: Chris Wiest, here with
17 Zach Gottesman, for the plaintiffs.

18 MR. SIMON: Steve Simon for the
19 defendants.

20 MR. PREM: And Andy Prem for the
21 defendant.

22 MR. STACKPOLE: Pete Stackpole for
23 the defendant.

24 THE VIDEOGRAPHER: Will the court
25 reporter please swear the witness.

1 THE COURT REPORTER: All right. Sir,
2 would you please raise your right hand.

3 THE WITNESS: (Complies.)

4 THE COURT REPORTER: Do you solemnly
5 swear that the testimony you're about to
6 give will be the truth, the whole truth,
7 and nothing but the truth?

8 THE WITNESS: I swear.

9 THE COURT REPORTER: Thank you.

10 MR. WIEST: All right. Before we get
11 going, I'm going to pursuant to the court
12 order hand over a transcript for the
13 purposes of today's deposition that is
14 going to -- it's of an audio recording
15 that my clients took. We'll be talking
16 about that later. We've got a bunch of
17 other stuff to get through on this
18 deposition first. It is marked Attorney
19 Eyes Only pursuant to the Court's order.

20 JAY GRAMKE,
21 of lawful age, as having been duly sworn, as
22 hereinafter certified, was examined and testified as
23 follows:

24 CROSS-EXAMINATION

25 BY MR. WIEST:

1 Q. Chief, can you state your name for the
2 record.

3 A. Jay Gramke. G-r-a-m-k-e.

4 Q. Okay. I've got a couple of ground rules.
5 I think you might have been through this before.
6 That's actually one of my questions.

7 If you can speak up for the court reporter
8 so that she can take down what you're saying. She
9 can't take down head nods and things like that. Do
10 you understand?

11 A. Yes.

12 Q. I promise that I'm going to do my best
13 today not to talk over you. If you can make the
14 same promise to me and we'll -- I invariably violate
15 that, but we'll try --

16 A. Okay.

17 Q. -- fair? Okay. You understand you've
18 been sworn just like in the courtroom, correct?

19 A. Correct.

20 Q. As an aside, how many times do you think
21 that you have testified?

22 A. In court?

23 Q. Ever. Right. Court, deposition -- ever.

24 A. Oh. Hundreds.

25 Q. How many times have you been deposed?

1 A. Once.

2 Q. Okay.

3 A. Before this.

4 Q. You've had training on how to testify,
5 correct?

6 A. Informal training.

7 Q. Okay. Testifying in court is part of your
8 duties as a law enforcement officer, correct?

9 A. Yes.

10 Q. I'm here to find out everything that you
11 know about the events and facts that underlie this
12 lawsuit involving the Davises, and for that reason
13 I'm looking for full and complete answers to the
14 questions I ask.

15 In other words, I'm looking for the whole
16 truth that you just gave an oath to give; you
17 understand that, correct?

18 A. Yes.

19 Q. I guarantee you I am going to ask more
20 than one bad question today. I always do. I do my
21 best not to, but I always do. If you don't
22 understand my question, let me know that and I will
23 do my best to fix it so that I'm communicating
24 clearly with you and you're communicating clearly
25 with me, okay?

1 A. Okay.

2 Q. If you do answer, I'm going to assume that
3 you understood, all right?

4 A. Okay.

5 Q. If you don't know an answer, let me know
6 that, okay?

7 A. Yes.

8 Q. In other words, I don't want you to guess.
9 But if you have a general recollection, I'm entitled
10 to your best memory, fair?

11 A. Fair enough.

12 Q. Okay. If you need a break at any time,
13 just ask me or your counsel. This is not a
14 marathon. I will generally finish either my line of
15 questioning or if there's a question pending, we'll
16 certainly finish that, and then we'll go on a break.
17 And if you need water or anything else, we've got
18 that.

19 I'm sure your attorney has told you this,
20 but if you need to talk to your attorney today,
21 that's fine. If there's a question pending, I'm
22 going to ask that you answer it with a caveat; if
23 you have a question about privilege, whether to
24 assert it, whether something is privileged, you
25 know, just say I need to talk to my attorney about a

1 privilege issue, and we'll go on a break even with a
2 pending question, okay?

3 A. Okay.

4 Q. All right. Sometimes while you're
5 answering today you may think of some document that
6 may help you to remember an answer or it might help
7 to give you a more accurate answer. And if that
8 happens, let me know. I do want to know about your
9 memory, but if there is a document that helps you
10 give a full and complete answer, I'm happy to, you
11 know, usually put it in front of you, because I'm
12 looking for the truth, fair?

13 A. Fair enough.

14 Q. And finally, because it's important that I
15 do get your full, complete, and accurate answer, are
16 you on any medication or drugs of any kind that may
17 make it difficult for you to understand, remember,
18 or answer my questions today?

19 A. No.

20 Q. Are you feeling at all sick or unwell?

21 A. No.

22 Q. Are you currently under a doctor's care
23 for any illness?

24 A. No.

25 Q. Is there any reason that you cannot give

1 full, complete, and accurate testimony today?

2 A. No.

3 MR. WIEST: All right. I've got a
4 couple of questions that I'm going to ask
5 off the record, because I don't want them
6 in the public record, today. Why don't we
7 go ahead, if we can do that. And please
8 don't take this down, but I am going to
9 ask.

10 THE VIDEOGRAPHER: We're going off
11 the record at 9:21.

12 (Off the record.)

13 THE VIDEOGRAPHER: We're going back
14 to the record at 9:22.

15 MR. WIEST: I'm going to tentatively
16 certify the issue of the social security
17 question that I asked.

18 (The off-the-record question was
19 certified.)

20 MR. WIEST: Obviously I don't want
21 that in the record, but I do want it for
22 the purpose that I stated off the record,
23 which is to perform a background check
24 with an investigator.

25 BY MR. WIEST:

1 Q. Let's talk about some background issues.

2 Where did you go to high school?

3 A. Elder High School.

4 Q. What year did you graduate?

5 A. 1988.

6 Q. Do you have any college?

7 A. I went to UC for about two years.

8 Q. Was that right after Elder?

9 A. Yeah.

10 Q. Okay. What were you studying?

11 A. Business.

12 Q. Were you at the main campus?

13 A. Yeah.

14 Q. Okay. All right. That takes us to 1990,
15 right?

16 A. 1991. I took a year off actually in
17 between high school and college. I went and worked
18 for a guy and -- so, but yeah. So I got to '91. I
19 was in college when I started with the sheriff's
20 department.

21 Q. Okay. Have you had any college after
22 that?

23 A. I went to SPI, which is. . .

24 Q. Southern Police Institute?

25 A. You got it.

1 Q. What year did you do that?

2 A. I don't remember. 2008.

3 Q. Was that the executive course that they
4 run?

5 A. Yes.

6 Q. Okay. You successfully completed that
7 program?

8 A. Yes.

9 Q. All right. Anything else that you've done
10 by way of formal education?

11 A. Just police training. I've been to a lot
12 of different schools, but no, no -- I don't think
13 anything that's college credits or anything like
14 that.

15 Q. Okay. Did you ever attend the FBI
16 National Academy?

17 A. No.

18 Q. Okay.

19 A. I wanted to.

20 Q. Okay. Do you hold any licenses or
21 certifications?

22 A. Other than my police certification?

23 Q. Well, that's one. What year did you get
24 that?

25 A. 1992.

1 Q. Okay. Anything else? I'm assuming a
2 driver's license, but I'm not counting that.

3 A. Yeah, I don't -- nothing that I can think
4 of.

5 Q. Okay. Do you have any certifi- -- other
6 than the police certification, no other
7 certifications or licenses other than what we've
8 talked about, correct?

9 A. I can't think of anything to that end.

10 Q. Okay. You talked about working for a guy
11 on that -- I'm going to call it that year between
12 college and high school. What was your first job
13 after -- by the way, let me back up.

14 On the UC, did you get a degree from
15 there?

16 A. No.

17 Q. Okay. What was your first job after that?

18 A. After?

19 Q. After you finished --

20 A. High school?

21 Q. Or not after -- no, after the two years at
22 UC.

23 A. So I was working at Sears Paint &
24 Hardware. I was assistant manager.

25 Q. Okay.

1 A. And going to college at the same time.

2 And then I -- somebody came into Sears Paint &
3 Hardware and said you should work for the sheriff's
4 department.

5 Q. Okay.

6 A. So then I did that.

7 Q. When you say you did that, you applied for
8 the sheriff's department?

9 A. I applied for the sheriff's department.
10 My plan was to work at night and go to school during
11 the day.

12 Q. Did you try that for a while?

13 A. It never happened.

14 Q. Okay. Did you start in the sheriff's
15 office in corrections?

16 A. Yes.

17 Q. Okay. And so you were working the jail at
18 night shift?

19 A. I did go to night shift.

20 Q. Okay. What training did you undertake
21 prior to beginning working shifts at the jail?

22 A. I went through the corrections academy.

23 Q. Okay. Where was that at?

24 A. In the north building, the justice center.

25 Q. Okay. So that was in-house to the

1 Hamilton County Sheriff's Office?

2 A. Yes, sir.

3 Q. How long was that program?

4 A. You know, I don't -- I don't remember.

5 It -- I don't remember. Five weeks, something --

6 it's a month -- more than a month, I think.

7 Q. Okay. How long did you work in the jail?

8 A. One year, about five months.

9 Q. And then what did you do next?

10 A. I went to the patrol.

11 Q. Okay. Was that considered a promotion?

12 A. Yes.

13 Q. And when you went to the patrol, was there
14 any training that you undertook prior to beginning
15 duties as a patrol officer?

16 A. Yeah. I went to the police -- I went
17 to -- the sheriff's department had an in-house
18 police academy. I went to that.

19 Q. Okay. And is that the consequence of that
20 where you got your law enforcement certificate?

21 A. That's correct.

22 Q. Okay. How long was the academy for
23 patrol?

24 A. I don't. . .

25 Q. You don't know?

1 A. I don't remember. I think -- I'm going to
2 say maybe four months.

3 Q. Okay.

4 A. I think now it's almost six. But I'm not
5 sure.

6 Q. Was it the case that when you were at the
7 corrections -- in the jail, that officers wanted to
8 move from corrections to patrol; was that generally
9 what people wanted to do?

10 A. Not everybody. But, yeah, I think that
11 was I would say the majority.

12 Q. Okay. And when that occurred, was it ever
13 the case that somebody applied for patrol and was
14 not selected?

15 A. Sure.

16 Q. What was the selection rate approximately,
17 if you know?

18 A. Selection rate?

19 Q. Yeah. Of the corrections officers that
20 had applied for patrol, can you give me a rough
21 estimate of the number of folks that were selected
22 for that?

23 A. I wouldn't have a clue on that.

24 Q. Okay.

25 A. No.

1 Q. All right. When you applied for patrol,
2 was there some minimum time in corrections that you
3 had to have before they would look at you for
4 patrol?

5 A. One year.

6 Q. Okay. And was it the case when you
7 applied that there had to be a vacancy for patrol
8 for that to get filled?

9 A. You know, at that time I don't know. I
10 don't know.

11 Q. How did you know that it was time to apply
12 for patrol when you did that after a year and five
13 months in corrections; did somebody say that we have
14 an opening?

15 A. Well, it wasn't that -- I left a year and
16 five months. Once I was there for one year, I was
17 certified. Then I was able to take the test. So I
18 took a test sometime after my first year. I don't
19 remember when. So then I was interviewed and told
20 you're going out. It took a couple of months. And
21 then I went out.

22 Q. Would that have been in approximately
23 1991?

24 A. So I -- no. I went -- I started in -- I
25 started in January of '92.

1 Q. Okay.

2 A. I got certified -- I think I was done with
3 the police academy by September.

4 Q. Of '92?

5 A. Of '92.

6 Q. Okay.

7 A. I would have then taken the test early of
8 '93 -- early of '93, I would think.

9 Q. Early '93 for patrol?

10 A. Yeah. And then I think it was August of
11 '93 I went out to the patrol.

12 Q. Okay.

13 A. So maybe it was a year. I was -- yeah, a
14 year and eight months before I went out or something
15 like that.

16 Q. When you say out, you mean out on the
17 road?

18 A. Out on the road, yeah. I'm sorry.

19 Q. Okay. All right. When you did that, were
20 you assigned to a certain beat?

21 A. So I was assigned to a coach.

22 Q. Okay.

23 A. So you go through coach training.

24 Q. What's coach training?

25 A. Coach training is you're paired up with a

1 more senior officer. And basically they show you
2 the ropes. They show you how to do things.

3 Q. Is that basically field training?

4 A. Yes.

5 Q. Okay. FTO program for those of us that
6 know --

7 A. Fielding training.

8 Q. -- that from other officers?

9 A. Yes.

10 Q. Okay. How long was the coach training?

11 A. It's supposed to be three months. I did
12 five weeks.

13 Q. Why was that?

14 A. After the first month the sergeant said I
15 was ready to go and. . .

16 Q. Okay. And was there a particular area of
17 the county that you were assigned to?

18 A. I was in Anderson Township at the time of
19 my coach training.

20 Q. Okay. When you finished your coach
21 training after five months [sic], which takes us to
22 early 1994, correct?

23 A. Uh-huh. Yes.

24 Q. Where did you go then?

25 A. I went to our District 1, which is

1 headquarters, on Hamilton Avenue on night shift.

2 Q. Okay. How long did you do that?

3 A. So '94 into '95.

4 Q. Okay. And then what did you do?

5 A. I was transferred to our District 2 on
6 second shift.

7 Q. Is that afternoons?

8 A. Yes, sir.

9 Q. Okay. Where is District 2?

10 A. Green Township.

11 Q. Okay. How long did you do that?

12 A. So I went over there in '95. I left in
13 '96.

14 Q. Okay. What did you do next?

15 A. I went to the Regional Narcotics Unit.

16 Q. Did you apply for RENU?

17 A. Yes.

18 Q. And by the way, just for the record, RENU
19 is short for the Regional Narcotics Unit?

20 A. Correct.

21 Q. Okay. Tell me about that process when you
22 applied for RENU.

23 A. I applied. And I received an interview
24 from -- at the time I don't know what his rank was
25 -- but Keith Groppe was the major -- or the captain

1 at the time, I think, of RENU. And I had an
2 interview.

3 Q. And what else; was that it, just the
4 interview?

5 A. Interview.

6 Q. Was there an eligibility list that was
7 generated from that, or was it just the major was
8 making the selections?

9 A. The major was making the selections, I
10 believe.

11 Q. Has that always been the case at the
12 sheriff's office?

13 A. I wouldn't know.

14 Q. Okay. To your knowledge was that always
15 the process?

16 A. I wouldn't -- I wouldn't know the past
17 process.

18 Q. I had occasion to get on the Hamilton
19 County Sheriff's website. And it had a description
20 of RENU. And I just want to see if you agree with
21 the description on the website. And what that
22 description was is that the RENU is a
23 multi-jurisdictional drug task force that is
24 comprised of narcotics agents from the Hamilton
25 County Sheriff's Office, Cheviot Police Department,

1 Green Township Police Department, as well as
2 Sycamore and Anderson Townships. The unit is
3 designed to investigate criminal organizations and
4 individuals primarily responsible for the illegal
5 trafficking of controlled substances in the Greater
6 Cincinnati area through the operation of
7 investigative programs including, but not limited
8 to, drug intelligence, drug interdiction, and
9 undercover operatives; do you agree with that
10 description?

11 A. I think so, yes.

12 Q. Okay. And when you went to RENU, was it
13 the case that there were both road units and
14 investigative units within RENU; in other words,
15 were people -- people have cruisers and undercover
16 cars?

17 A. That had just started was the Highway
18 Interdiction Team, yes.

19 Q. Okay.

20 A. So there was cruisers. There was two
21 Cincinnati cruisers and three sheriff's cruisers.

22 Q. Okay. Were you -- did you have a cruiser
23 or did you have an undercover car?

24 A. I was plainclothes.

25 Q. Okay. Was there any training when you

1 began RENU?

2 A. Informal.

3 Q. Okay.

4 A. The coach training.

5 Q. Was there some time period that you had to
6 have served in the sheriff's office before you could
7 apply to RENU?

8 A. No.

9 Q. Okay. All right. How did you know that
10 there was a RENU opening?

11 A. They posted for it.

12 Q. Okay. And we're going to talk today about
13 eligibility lists and what those are. But was there
14 an eligibility list that was created for RENU, or
15 did they just select and said these are the guys
16 that are coming?

17 A. I don't know how they selected it, but I
18 know there was no eligibility list.

19 Q. Okay.

20 A. I had no idea where I stood, if that makes
21 sense.

22 Q. So when you found out you were selected,
23 did you just get a call and said you've been
24 selected for RENU, come on down?

25 A. Yes. I got a call and said are you still

1 interested. I said yes. They said how about
2 Thursday.

3 Q. Okay. How long were you with RENU?

4 A. About ten years.

5 Q. And was that always plainclothes --

6 A. Yes.

7 Q. -- in that ten-year period? Okay. Did
8 you promote at all during that period?

9 A. I went from -- I was a patrol officer at
10 that time. I was made a corporal -- I don't
11 remember when. But I was made sergeant in 2003.

12 Q. While in RENU?

13 A. While in RENU.

14 Q. Okay. Did you test for both corporal and
15 sergeant?

16 A. I did.

17 Q. And those are eligibility list --

18 A. Those were, yes.

19 Q. Okay. Just for the record, an eligibility
20 list, when there's a promotional process, there's a
21 testing component to that, correct?

22 A. Yes.

23 Q. There's an interview component to that,
24 correct?

25 A. We do that now.

1 Q. Okay. Was that not the case then?

2 A. The case then is you took -- it was a test
3 only.

4 Q. Okay.

5 A. And they stacked you on a list.

6 Q. Okay.

7 A. Now we -- we do now. We have a -- we use
8 the National Testing Network. We use an outside for
9 testing. And then we do panel interviews and
10 combine the scores. And that's how we get the list.

11 Q. When did that change?

12 A. I believe with this new sheriff. So 2021.

13 Q. Okay. When McGuffey took office?

14 A. Correct.

15 Q. Okay.

16 A. Now -- I'm sorry. It might have taken us
17 a little time to change that parameter, but we
18 definitely -- I don't remember when we changed that.
19 In fact, I think the first test that we might have
20 done when we came in was just a continuation of
21 that, because it took us time to make changes
22 obviously.

23 Q. Okay. When there is an eligibility list
24 that's created at that time from the test rankings,
25 what happens is -- do you have to take the next

1 person off the list; is that the way the promotions
2 worked?

3 A. So we have what's called the rule of
4 three.

5 Q. Okay.

6 A. So people can't get passed over.

7 Q. So can you explain that for me, like
8 one -- like you have to take out of like one, two,
9 and three, one of those; is that the way that works?

10 A. Yes.

11 Q. Okay. And let's say you take two --

12 A. Uh-huh.

13 Q. -- does the next one then have to be
14 taken -- let's say you take number two out of one,
15 two, and three. Does that leave one, three, and
16 four for the next selection?

17 A. Yes.

18 Q. Okay. All right. So there's discretion
19 on who within that eligibility list is taken?

20 A. Yes.

21 Q. Has that always been the case?

22 A. That I can remember.

23 Q. Okay. All right. Who actually makes the
24 selection if there's -- out of that three person
25 possibility on an eligibility list, who decides?

1 A. Usually that's going to come up to me and
2 the sheriff.

3 Q. Okay. So the chief deputy and the sheriff
4 make that decision?

5 A. On a promotion?

6 Q. Yes, sir.

7 A. Yes.

8 Q. Okay. Has that always been the case
9 within the sheriff's department?

10 A. To my knowledge.

11 Q. Okay. All right. What do you and the
12 sheriff -- when you've been involved in the rule of
13 three -- look at in determining who is going to go
14 out of those three?

15 A. We look at discipline.

16 Q. Okay.

17 A. Work history. Things of that nature.

18 Q. Anything else other than discipline and
19 work history?

20 A. No.

21 Q. Okay.

22 A. I'm sure there's other things, but not off
23 the top of my head.

24 Q. When you say work history, what do you
25 mean by that?

1 A. If they're active, they work, they're not
2 lazy, they're not --

3 Q. Retired on duty?

4 A. Retired on duty. You know, they're
5 actually -- attitude, things of that nature.

6 Q. Okay. Does tenure matter; in other words,
7 how long somebody has been with the sheriff's
8 office?

9 A. It could, but -- so right now we're
10 switching to every promotion to be three -- you'll
11 have to have three years before. But at that point
12 tenure is really not too much of a point.

13 Q. When you say three years, the sheriff's
14 office is currently moving or transitioning to a
15 time and grade requirement?

16 A. Yeah. It will be three years for -- in
17 between each grade.

18 Q. Okay. That was not the case, though, when
19 you made corporal and sergeant --

20 A. No.

21 Q. -- correct?

22 A. No.

23 Q. Okay. You said you made sergeant in 2003.
24 What was the next assignment that you had?

25 A. Well, I was still in RENU in 2003.

1 Q. Okay.

2 A. I left in 2005. I came back to night
3 shift on -- as a sergeant.

4 Q. Okay. When you became a sergeant within
5 RENU, were you a supervisor?

6 A. Yes.

7 Q. Okay. How many sergeants were on the RENU
8 unit?

9 A. Maybe four.

10 Q. And I think you told me there was a major
11 that commanded it?

12 A. And a lieutenant.

13 Q. And a lieutenant. Okay. No captain?

14 A. No.

15 Q. Okay. And so the sergeants would report
16 directly to the lieutenant?

17 A. Yes.

18 Q. Okay. Where did you go when you came back
19 on nights in 2005?

20 A. Our District 3.

21 Q. Where is that?

22 A. At that time it was Symmes, Sycamore, and
23 Columbia Townships.

24 Q. Okay.

25 A. The district itself is in Symmes Township

1 on Weekly Road.

2 Q. Okay. How long did you hold that
3 position?

4 A. For about a year -- yeah. Maybe a year.

5 Q. So 2006?

6 A. Well, no, I take that back. About six
7 months.

8 Q. Okay.

9 A. And then I went to day shift, the same --
10 same district.

11 Q. District 3 day shift?

12 A. Yeah.

13 Q. Okay. What did you do next?

14 A. I went to the Over-the-Rhine Task Force,
15 2006 and 2007.

16 Q. Okay. What was that?

17 A. It was 19 deputies went to Over-the-Rhine
18 to assist with the crime in the area.

19 Q. Okay. That was following the riots in
20 2004?

21 A. Yeah.

22 Q. Okay. Were you on day shift for that?

23 A. I was.

24 Q. Okay. And then how long did -- what did
25 you do after that?

1 A. Let's see. In 2008 I -- I can't remember.
2 I think I came back to District 1. I think I was at
3 headquarters as sergeant on day shift.

4 Q. Okay. And how long were you --

5 A. It was District 1 or District 3. I can
6 tell you that.

7 Q. Okay.

8 A. It was one of those two.

9 Q. And how long did you do that?

10 A. I went back and forth between those two
11 until 2013.

12 Q. Okay. What happened in 2013?

13 A. I was promoted to lieutenant.

14 Q. Also tested eligibility list?

15 A. Yes.

16 Q. Okay. Was there a -- what were you
17 assigned first as lieutenant?

18 A. Night shift, headquarters. I was the
19 night watch commander.

20 Q. Was that downtown?

21 A. No.

22 Q. It was on Hamilton Avenue?

23 A. Hamilton Avenue.

24 Q. Okay. All right. How long did you do
25 that?

1 A. I want to say maybe not quite a year.

2 Q. So 2014?

3 A. Yeah.

4 Q. What did you do next?

5 A. I became the -- our District 2 commander,
6 which is Green Township.

7 Q. As a lieutenant?

8 A. Right.

9 Q. Okay.

10 A. I also took over as the commander of the
11 K-9 units.

12 Q. Okay. So you had double duty?

13 A. Double duty.

14 Q. And how long did you do that for?

15 A. I was the K-9 commander. Actually I moved
16 from District 2 to Lincoln Heights in -- this has to
17 be around 2015, I'm guessing.

18 Q. Okay.

19 A. And I maintained as the K-9 commander as
20 well.

21 Q. Okay. What did you do next?

22 A. I was there from 2015, '16. I want to say
23 2017 I went to Internal Affairs.

24 Q. As lieutenant in charge of IA?

25 A. Yes.

1 Q. Okay. And how long did you do that for?

2 A. So I was TDY there. I was temporarily
3 assigned there. The commander of IA was going to --
4 through the UC managers program that we -- we have
5 partnered with them. And that was about a six-month
6 program. So I went down there to basically take his
7 place.

8 Q. Fill in?

9 A. Fill in.

10 Q. Okay. And what did you do after that?

11 A. Then I went and took over RENU as the
12 commander.

13 Q. Okay. Were you promoted?

14 A. No. No. As a lieutenant I was in charge.

15 Q. Okay. In 2017?

16 A. 2018.

17 Q. 2018. Okay. So there was no captain and
18 no major at RENU at that point?

19 A. There was a major in charge of
20 investigations.

21 Q. Okay. Is that who was selecting the RENU
22 folks; the major would do the selections?

23 A. No. I did.

24 Q. You did as a lieutenant?

25 A. Yeah.

1 Q. Okay. Where did you go -- or how long
2 were you in that RENU post?

3 A. 2018, 2019, into 2020. And then I
4 transferred out to CIS.

5 Q. What is that?

6 A. Criminal Investigation Section.

7 Q. Okay. And how long were you there?

8 A. Until 2021, January 4th.

9 Q. And I take it that coincides with Sheriff
10 McGuffey's election and taking office?

11 A. Correct.

12 Q. How did it come to be that you became the
13 chief deputy?

14 A. At the time Candidate McGuffey reached out
15 to me -- no, I take that back.

16 A group of us reached out to her and Bruce
17 Hoffbauer, who -- they were running against each
18 other. And they -- we -- a group of us met with
19 both of them. After that Sheriff McGuffey called me
20 and asked me some questions. And we met. And after
21 she won the election, she called me and asked me to
22 be her chief deputy.

23 Q. Do you recall the nature of the questions
24 she asked you?

25 A. It was mostly just the patrol questions,

1 you know, what my ideas were and how we can do
2 things differently and things of that nature.

3 Q. Okay. Do you recall who else met with her
4 when you met with her?

5 A. It was myself, Matt Guy. Mike Steers I
6 think was there. Tory Smith. And Tony Orue
7 couldn't be there. So I know he couldn't make it.
8 He was supposed to be there. That's all I can
9 remember.

10 Q. Okay.

11 A. But there was a group. And then we met
12 with Bruce as well. And there was other people
13 there.

14 Q. So the sheriff until that election was
15 who; who was the sheriff prior to Sheriff McGuffey?

16 A. So she was my training lieutenant, I
17 believe, in corrections.

18 Q. Okay.

19 A. And then she eventually ran the jail under
20 Jim Neil in 20- -- I don't remember when he came in,
21 so -- in 2013. And then she was fired by Jim Neil.

22 Q. Right.

23 A. And then she ran against him and. . .

24 Q. When you started, was the Sheriff Simon
25 Leis?

1 A. Yes.

2 Q. So you are now under the third sheriff?

3 A. Yes.

4 Q. Okay. All right. And you're still the
5 chief deputy, correct?

6 A. Correct.

7 Q. Have you -- the scuttlebutt is you're
8 planning to retire next month; is that true?

9 A. It is a fact.

10 Q. Okay. It is a fact, not scuttlebutt?

11 A. It is not scuttlebutt.

12 Q. Okay. All right. Has your replacement
13 been selected?

14 A. Yes.

15 Q. Who is that?

16 A. Major Chris Kettelman.

17 Q. Okay. All right. Do you have other
18 employment lined up?

19 A. Yes.

20 Q. Where are you going?

21 A. I am starting a business with an
22 individual in the private sector.

23 Q. Okay. Law enforcement related?

24 A. No.

25 Q. Okay. All right. I've got to ask. I

1 know the answer I think is no. You've never been
2 convicted of a felony or a crime of dishonesty,
3 correct?

4 A. Uh-huh.

5 Q. That's correct?

6 A. I --

7 Q. Let me ask it this way. Have you ever
8 been convicted of a felony or a crime of dishonesty?

9 A. No.

10 Q. Thank you. Have you ever -- prior to the
11 Davis lawsuit -- been sued for a civil rights
12 violation?

13 A. I was part of a group that was sued after
14 an individual was Tased and died. I'm guessing that
15 was -- I was -- I investigated it. I wasn't there
16 when it occurred.

17 Q. Okay.

18 A. But that was the case I was deposed.

19 Q. Okay. You were deposed, but were you
20 named as a defendant?

21 A. I don't remember.

22 Q. Okay. How long ago was that?

23 A. About ten years ago.

24 Q. Okay. All right. Have you ever had any
25 training on clearly established rights?

1 A. Clearly established rights?

2 Q. Right. Clearly established constitutional
3 rights; have you ever had any training on that?

4 A. Are you talking about -- I guess I'm. . .

5 Q. So you have been with the sheriff's office
6 for -- I mean, I've not done the math on this, but I
7 guess I could.

8 A. Thirty-three years.

9 Q. Thirty-three years. In any of that time
10 have you ever had training on clearly established
11 constitutional rights?

12 A. Sure.

13 Q. Okay. How many times have you had such
14 training?

15 A. I can tell you that when I was in RENU, we
16 had a training bulletin. It was a Fourth Amendment
17 bulletin that would come out monthly. So as far as
18 how many times, I couldn't tell you; but especially
19 on the Fourth Amendment, quite a few.

20 Q. Okay. Was that part of any academy
21 training that you went through?

22 A. No.

23 Q. Some departments, for instance, have had
24 legal advisers, prosecutors, et cetera, come in and
25 give legal updates on clearly established rights.

1 Has that been the case with the Hamilton County
2 Sheriff's Office?

3 A. So back under Simon Leis, we had an
4 attorney named Ed Boldt.

5 Q. Okay.

6 A. And when we'd get our paychecks, we'd get
7 "Nuts and Boldts." And Ed Boldt would give us
8 updates on different legal issues and things of that
9 nature. So, yeah, it's an ongoing education.

10 Q. Okay. In your capacity as chief deputy
11 for the Hamilton County Sheriff's Office, did you
12 take an oath to support and defend the Constitution
13 of the United States?

14 A. I did.

15 Q. Okay. When you gave that oath, did you
16 mean it?

17 A. Absolutely.

18 Q. Okay. When you gave that oath, did you
19 understand that oath to be binding on every aspect
20 of the performance of your duties as chief deputy of
21 the Hamilton County Sheriff's Office?

22 A. I did.

23 Q. Okay. Are you familiar with the First
24 Amendment?

25 A. I am.

1 Q. Have you read it before?

2 A. Sure.

3 Q. Okay. Were you aware on or before
4 January 1st of 2020 that citizens had a clearly
5 established right under the First Amendment to
6 engage in free speech?

7 MR. SIMON: Objection to the form.

8 Calls for a legal conclusion.

9 You can try to answer.

10 A. I am aware. I am not a lawyer. I am not
11 an expert. But I am aware of the First Amendment.

12 Q. Okay. Were you aware on or before
13 January 1st of 2021 that citizens had a clearly
14 established right under the First Amendment to
15 engage in free speech by publicly criticizing
16 elected officials?

17 MR. SIMON: Same objection.

18 You can answer.

19 A. Again, I understand that they have rights.
20 But, again, I'm not a lawyer.

21 Q. Did you understand that they had rights to
22 publicly criticize elected officials?

23 MR. SIMON: Same objection.

24 You can answer.

25 A. Same answer.

1 Q. Okay.

2 A. I understand that. But, again, I am not a
3 lawyer.

4 Q. Yeah. And I want to be clear. I'm not
5 asking you as a lawyer what the law is. I'm asking
6 for your understanding when I ask the questions that
7 we're discussing right now.

8 Do you have an understanding on or before
9 January 1st of 2021 that citizens had a clearly
10 established right under the First Amendment to
11 engage in free speech by publicly criticizing law
12 enforcement?

13 MR. SIMON: Same objection.

14 A. I do understand that.

15 Q. Okay. Did you have an awareness on or
16 before January 1st of 2021 that citizens had a
17 clearly established right under the First Amendment
18 to freely associate with others, including for
19 purposes of criticizing government officials?

20 MR. SIMON: Same objection.

21 A. Yes, I was aware of that.

22 Q. Okay. Were you aware on or before
23 January 1st of 2021 that there's a clearly
24 established right of citizens not to be retaliated
25 against for engaging in protected speech and

1 association activities?

2 MR. SIMON: Same objection.

3 A. And, again, I understand the amendment.
4 But there are limitations. And I am not a lawyer.

5 Q. Okay. Did you understand that there was a
6 right not to be retaliated against for engaging in
7 protected speech and association activities; were
8 you aware of that?

9 A. Yes.

10 Q. Okay. Were you aware on or before
11 January 1st of 2021 that there was a clearly
12 established right not to have family members of
13 employees of government agencies -- to have them be
14 retaliated against because of their family members'
15 speech or associational activity?

16 MR. SIMON: Same objection.

17 A. Again, there's -- I understand what it
18 says and I understand there are limitations. And
19 I'm -- again, I'm not an attorney.

20 Q. Sure. Were you aware on or before January
21 1st of 2021 that employees of government agencies
22 who were not on the clock had a clearly established
23 right to criticize their employer on matters of
24 public concern?

25 MR. SIMON: Same objection.

1 A. Same answer.

2 Q. Okay. You're aware?

3 A. Yes, I was aware.

4 Q. All right. Were you aware on or before
5 January 1st of 2021 that employees had clearly
6 established -- government agencies -- employees of
7 government agencies had clearly established rights
8 not to be retaliated against for engaging in
9 protected speech and associational activities to
10 include withholding assignments or promotions?

11 MR. SIMON: Same objection.

12 A. Yes, I was aware.

13 Q. Were you aware on or before January 1st of
14 2021 of clearly established law that indicated that
15 just following orders is not a defense in a civil
16 rights lawsuit?

17 MR. SIMON: Same objection.

18 A. Yes, I was aware.

19 Q. Okay. To your knowledge have you ever
20 made any misrepresentations or false statements of
21 fact to the media?

22 A. No, I have not.

23 Q. To your knowledge have you ever made
24 misrepresentations or false statements of fact in
25 any interactions you've had with employees at the

1 Hamilton County Sheriff's Office?

2 A. Can you repeat that, please?

3 Q. Yeah. To your knowledge have you ever
4 made misrepresentations or false statements of fact
5 in any interactions that you've had with employees
6 at the Hamilton County Sheriff's Office?

7 MR. SIMON: Objection to the form of
8 the question. It's broad.

9 You can try to answer.

10 A. So, you know, I can say I try to be as
11 honest as I can. Have I ever -- you know, I would
12 say yes, I think so.

13 Q. In what circumstances would it be
14 appropriate to make misrepresentations or false
15 statements of fact in interactions you've had with
16 employees at the Hamilton County Sheriff's Office?

17 A. Well, what's making me think of this is
18 doing the investigations, because there are times
19 where we lie to people and -- to try to get them to
20 speak to us and -- so that's kind of where I'm
21 thinking.

22 Q. Suspect interactions?

23 A. Yeah.

24 Q. Sure.

25 A. When they're doing something wrong, we

1 might throw something against the wall to see if it
2 sticks. So there are times where I have not told
3 the truth, but it's in those kind of scenarios.

4 Q. Where, for instance, you're investigating
5 an employee potentially for misconduct?

6 A. Something of that nature, yeah.

7 Q. Okay. Other than suspect interactions or
8 investigative tools in evaluating or investigating
9 employees for misconduct, is there any other time
10 that you can recall when it would be appropriate to
11 make misrepresentations or false statements of fact
12 in interactions with other sheriff's office
13 employees?

14 A. No, I don't think so.

15 Q. Okay. Do you agree with me that one of
16 the most important things a law enforcement officer
17 has is his or her integrity?

18 A. Yeah, I believe that.

19 Q. Okay. We've talked about this before.
20 One of the things that law enforcement officers do
21 as part of their job duties is testifying under
22 oath, correct?

23 A. Correct.

24 Q. And would you agree with me that if an
25 officer is caught in committing a lie under oath,

1 then it would be fair for a jury or fact finder to
2 disbelieve other aspects of their testimony?

3 A. Yes.

4 Q. Do you agree that Sheriff McGuffey, who is
5 an elected official and stands for election every
6 four years, is a public figure?

7 A. Yes.

8 Q. Are you familiar with someone named
9 Caroline Adams?

10 A. I believe that's the woman known as Itsa
11 Krakken or -- she's got several Facebook handles, I
12 guess.

13 Q. Okay. And we're going to talk about some
14 of those handles.

15 A. Okay.

16 Q. I'm going to give you some of those, and
17 you can tell me if you remember them. Are you
18 familiar with her regular criticism of Sheriff
19 McGuffey?

20 A. So in the first two years I'd say it was a
21 flood. I don't have any social media. Oh, no, I
22 have LinkedIn.

23 Q. Okay.

24 A. So I have no social media. But constantly
25 people were bringing it up. So I definitely was

1 aware of it.

2 Q. When they would bring it up, would they
3 bring you like copies of her posts?

4 A. No. Mainly just talking about it. But I
5 would -- people would screenshot or show it to me,
6 things of that nature. But I really -- I don't do
7 social media, so. . .

8 Q. Did you have any awareness of her prior to
9 Sheriff McGuffey taking office?

10 A. No. I had no idea who she was.

11 Q. Okay. When did you first become familiar
12 with Caroline Adams?

13 A. It was sometime that first year, so
14 sometime in '21. But it was so, so busy. It was --
15 really my head was spinning for the first year,
16 maybe even first two years.

17 Q. Okay. You're familiar and you named one
18 of her online handles as Itsa Krakken, correct?

19 A. Yeah.

20 Q. Are you familiar with another one that's
21 denoted as Signal 99?

22 A. Yeah. That's the -- I guess that's a
23 newer one.

24 Q. Okay. And she also has posted under Chaz
25 the Anti-Sheriff, correct?

1 A. I know she calls her Chaz or something
2 like that.

3 Q. Okay. Have you seen or heard about her
4 Chaz the Anti-Sheriff page?

5 A. Maybe. I don't. . .

6 Q. All right. Were you aware that Caroline
7 Adams made a post on her Facebook critical of
8 Sheriff McGuffey relative to the sheriff leaving a
9 loaded firearm in her vehicle unattended in 2021?

10 A. Yes.

11 Q. Were you aware that Ms. Adams was -- all
12 right. Were you aware that local news media,
13 including Fox 19, reported on this incident in 2021?

14 A. Yes.

15 MR. WIEST: Okay. Just for the
16 record. I'm handing you what I'm marking
17 as Exhibit 1.

18 (Plaintiffs' Deposition Exhibit No. 1
19 was marked for identification.)

20 MR. SIMON: Chris, I am going to
21 object. This wasn't disclosed as part of
22 your discovery. We had an email exchange
23 about it.

24 I just want to note my objection that
25 I --

1 MR. Wiest: Okay.

2 MR. Simon: -- think that all
3 exhibits should be served to opposing
4 counsel before depositions.

5 MR. Wiest: Yeah. We disagree with
6 that as a matter of work product. But we
7 can take that up later.

8 BY MR. Wiest:

9 Q. Are you familiar with the Fox News
10 reporting on the gun incident?

11 A. I'm familiar with the gun incident.

12 Q. Okay.

13 A. I mean, I'm not. . .

14 Q. Were you aware that there was another
15 round of press on this when the firearm was
16 recovered in 2023?

17 A. Sure. Yes.

18 MR. Wiest: All right. I'm marking
19 this as let me mark -- sorry. One. Two.

20 (Plaintiffs' Deposition Exhibit No. 2
21 was marked for identification.)

22 Q. Do you know if you saw the Fox News
23 reporting on the recovery as well?

24 A. Again, I know --

25 Q. Generally about the incident?

1 A. Sure. I don't know about Fox News or
2 any- -- you know, I don't know where I learned it
3 from. I mean, I knew of the situation, so I don't
4 know that I even read any news on it.

5 Q. Were you aware that the sheriff's office
6 actually issued a press release relative to the
7 recovery of the firearm?

8 A. Sure.

9 Q. Okay. Were you aware that Caroline Adams
10 was critical again of Sheriff McGuffey in 2023 after
11 the firearm was recovered, made posts about it?

12 A. I don't know.

13 Q. Okay. Do you think that the theft of the
14 firearm and its later recovery and reporting by the
15 news were issues of public concern?

16 MR. SIMON: Objection. Calls for a
17 legal conclusion.

18 You can answer.

19 A. Can you repeat that question, please?

20 Q. Yeah. Do you think the loss of the
21 firearm and its later recovery were issues of public
22 concern?

23 MR. SIMON: Objection.

24 A. (No response.)

25 Q. The public might have an interest in those

1 things?

2 A. Of course, yes. And that's why we put a
3 press release out.

4 MR. WIEST: Right. I'll mark this as
5 Exhibit 3.

6 (Plaintiffs' Deposition Exhibit No. 3
7 was marked for identification.)

8 MR. SIMON: Chris, same objection.
9 I'll just have a running objection to new
10 articles that weren't disclosed. I know
11 we had an email exchange about it. We
12 disagree. But just to preserve the
13 record, we do object to these --

14 MR. WIEST: Sure.

15 MR. SIMON: -- undisclosed exhibits.

16 Q. In 2010 were you aware that Sheriff
17 McGuffey was involved in an incident that ultimately
18 led to a five-day suspension with the sheriff's
19 office, an incident that occurred in Covington,
20 Kentucky?

21 A. I was not aware of that.

22 MR. WIEST: Okay.

23 MR. SIMON: Off the record for a
24 second, Chris.

25 THE VIDEOGRAPHER: Would you like to

1 go off the record?

2 MR. SIMON: Oh, I forgot we had to do
3 that, too.

4 You gave me this one --

5 THE VIDEOGRAPHER: Wait. Would you
6 like to go off the record?

7 MR. SIMON: Yes. Well --

8 MR. WIEST: Yes.

9 THE VIDEOGRAPHER: Okay. Hold on.
10 We're going off the record at 10:05.
11 (Off the record.)

12 THE VIDEOGRAPHER: We're going back
13 on the record at 10:05.

14 BY MR. WIEST:

15 Q. You were not aware of any reporting about
16 the incident in 2019 when she had announced her run
17 for sheriff -- the 2010 incident?

18 A. So I learned of that -- yeah. I had heard
19 about it, yes.

20 Q. Okay.

21 A. What had happened I don't think I -- I
22 don't think it was anything that I knew about.

23 Q. Was involved in?

24 A. Yeah.

25 Q. Sure. But it became an issue in 2019 as

1 part of the campaign, correct?

2 A. Yeah, I don't know. I didn't follow
3 really that very much.

4 Q. Okay. Were you aware that Caroline Adams
5 has made Facebook posts about the sheriff relative
6 to that incident -- the 2010 incident as reported in
7 The Enquirer article in 2019?

8 A. I'll be honest with you, she's done so
9 much. I kind of lose track to be truthful.

10 Q. Okay.

11 A. There's so much.

12 Q. Okay. It would not surprise you to learn
13 that she was -- I mean, would it be fair to say that
14 anything the sheriff does or has alleged to have
15 done generally ends up on Ms. Adams' Facebook posts
16 one way or the other?

17 A. I would say that would be fair.

18 Q. Okay. Obviously as a public figure this
19 incident in 2010 ended up as a story in The
20 Enquirer; you don't dispute that, correct?

21 A. I do not.

22 Q. Okay. And would you agree that this
23 incident -- and I'm not here, by the way -- I'm not
24 offering any of this for the truth of what happened
25 or didn't happen. I'm not interested in that in

1 this case. But regardless, this was publicly
2 reported and therefore was an issue of public
3 concern?

4 A. Well, yeah. It was in the paper, so it
5 was -- somebody printed it.

6 MR. WIEST: Right. Let's go ahead
7 and look at -- I'll mark this as four.

8 (Plaintiffs' Deposition Exhibit No. 4
9 was marked for identification.)

10 Q. There's another Enquirer article in 2023
11 about the sheriff being pulled over for a 72 in a 55
12 by the Clermont County Sheriff; you see that, right
13 --

14 A. I do.

15 Q. -- Exhibit 4? You're familiar with this
16 incident, correct?

17 A. I am.

18 Q. And for anyone else getting pulled over at
19 72 in a 55 -- I think I've done it, I think other
20 people have done it -- it's never ended up in the
21 paper, but because she's a public figure it ends up
22 as an article, correct?

23 A. Uh-huh.

24 Q. You agree with that, right?

25 A. I believe that she's the only public

1 figure that would have been on the news for this,
2 because she is a lightning rod.

3 THE COURT REPORTER: She is what?

4 THE WITNESS: A lightning rod.

5 THE COURT REPORTER: A lightning rod.

6 Thank you.

7 Q. One of the first things that this article
8 reports having occurred in this traffic stop is her
9 identifying herself as the Hamilton County Sheriff;
10 were you aware of that?

11 MR. SIMON: Chris, are you asking if
12 this is what the article says?

13 MR. WIEST: Well, I'm asking if he
14 was aware of that interaction, and that
15 was the first thing that occurred in the
16 interaction.

17 Q. If you look --

18 A. Yeah.

19 Q. -- it says, A body camera captured the
20 stop. McGuffey was traveling east on Ohio 32
21 towards --

22 A. Hold on. I'm lost. I'm lost.

23 Q. Here, right there. A body camera. That's
24 what I'm reading from.

25 A. Oh, okay.

1 Q. A body camera captured the stop. McGuffey
2 was traveling east on Ohio 32 towards Batavia Road
3 just before 1:00 p.m. on May 27 when she was pulled
4 over. The Clermont County Deputy told her she was
5 doing 72 in a 55 mile per hour zone. McGuffey
6 handed him her license and said she was the sheriff
7 of Hamilton County.

8 A. Okay.

9 Q. Okay. So do you think that it was only
10 because she -- the sheriff is a lightning rod rather
11 than identifying her office in an immediate
12 interaction in a traffic stop is what generated the
13 article?

14 MR. SIMON: Objection to the form.

15 It's argumentative.

16 You can answer.

17 A. Identifying herself as the sheriff is what
18 she should have done.

19 Q. Okay. Why is that?

20 A. Well, if I'm walking up on somebody, I
21 immediately know that I'm not dealing with somebody
22 that's going to harm me.

23 Q. Okay.

24 A. This person might be armed. I don't know
25 what she had on her. So identifying her is --

1 that's what she should have done.

2 Q. Okay. Do you know, did Caroline Adams --
3 do you know whether Caroline Adams posted about this
4 incident --

5 A. I do --

6 Q. -- as well?

7 A. -- remember that.

8 Q. Okay. She did, correct?

9 A. I do remember that.

10 Q. Okay. When you say you do remember, you
11 do remember her posting, correct?

12 A. I -- again, I --

13 Q. Right.

14 A. -- don't get this from Facebook. I
15 don't. . .

16 Q. People reported it to you?

17 A. People give me information, yes.

18 Q. Okay. Chief Gramke, what is the Brady
19 list?

20 A. The Brady list is a list held by the
21 prosecutor's office which is for officers who have
22 lied, that their -- their credibility could be
23 impeached.

24 Q. Is the Brady list something that has to be
25 disclosed to criminal defense attorneys in a

1 criminal case --

2 A. Yes.

3 Q. -- involving a law enforcement officer's
4 background?

5 A. Yes.

6 MR. WIEST: Okay. All right. I have
7 two exhibits to look at with you together.
8 How about this, I'll mark this as five and
9 six respectively.

10 (Plaintiffs' Deposition Exhibit Nos.
11 5 and 6 were marked for
12 identification.)

13 MR. SIMON: I need to renew my --

14 MR. WIEST: Sure.

15 MR. SIMON: -- objection --

16 THE WITNESS: Are you going to ask --

17 MR. SIMON: So hold on one second.
18 You've marked Exhibit 5 and 6, Counselor.
19 You're about to identify them. One of
20 them is a news article, which we've seen
21 in previous exhibits. Exhibit 6 is
22 something more -- is different and it
23 should have been disclosed to us.

24 MR. WIEST: So I'm going to tell you
25 this was actually embedded within the news

1 article in Exhibit 5. And if you were to
2 go to the Fox 19 page on this, you would
3 find an embedded link of the Hamilton
4 County Sheriff's Office -- or, I'm sorry,
5 the Hamilton County Prosecutor's Office
6 Brady List as of 5/22/19.

7 And I will represent to you I did not
8 print out the entire 25-some pages. I
9 just grabbed pages 1, 19, and 23 of that.
10 But it can be found via Google and it is
11 available online.

12 BY MR. WIEST:

13 Q. Let me ask, Chief Gramke, were you aware
14 on October 10th of 2019 that Fox 19 reported -- gave
15 a general report about Brady list issues in the
16 Cincinnati area?

17 A. I do remember that becoming a topic of
18 interest for law enforcement, because most officers
19 wanted to know where -- what was going to put them
20 on the Brady list. People that had minor incursions
21 and things of that nature were worried they were
22 going to be put on the list, so -- yeah, I do
23 remember that.

24 Q. Okay.

25 A. I don't -- again, I don't know where that

1 news came from, though.

2 Q. Okay. Were you aware that the Hamilton
3 County Prosecutor's Office actually provided to Fox
4 19 News the Brady list as of 5/22/19?

5 A. I do remember that coming out, because it
6 was -- there was a lot of interest in the
7 department.

8 Q. Okay. Were you aware that there were two
9 separate entries on this list regarding Sheriff
10 McGuffey, No. 76 and 109?

11 A. Yeah. Do I remember that exactly? I
12 don't know. I see it now.

13 Q. Were you generally aware that she was on
14 the Brady list?

15 A. I was.

16 Q. Okay. The reason I bring this up, were
17 you aware that Caroline Adams has made Facebook
18 posts that were critical of Sheriff McGuffey for
19 being on the Brady list?

20 A. Yes.

21 Q. Okay. Would you agree that having an
22 elected sheriff on the Brady list would be an issue
23 of public concern?

24 MR. SIMON: Objection. Legal
25 conclusion.

1 You can answer.

2 A. I understand why it would be a public
3 concern.

4 Q. Okay. There was an incident on
5 September 20th of 2023 involving Sheriff McGuffey.
6 And I've not been able to download it. But Caroline
7 Adams posted it with dash cam footage involving the
8 sheriff with allegations that she had been drinking
9 and potentially driving; were you aware of that?

10 A. No.

11 Q. You haven't seen that before, the dash cam
12 footage?

13 A. Is this the traffic stop in Clermont
14 County?

15 Q. No. It's a different traffic incident.
16 It's September 20th of 2023.

17 A. I don't know -- I don't know that.

18 Q. All right. I have not been successful at
19 downloading it, although I could certainly play it
20 for you. Were you aware that Caroline Adams had
21 posted dash camera footage with allegations that the
22 sheriff had been intoxicated?

23 A. I don't think so.

24 Q. Okay. Are you aware of whether Caroline
25 Adams had made posts about inmates at the Hamilton

1 County Jail popping open the locks to the cells and
2 walking freely about the pods?

3 A. I -- I don't recall.

4 Q. Okay. Was that an issue of public
5 concern?

6 A. Oh, yeah. We were very outspoken about
7 that, getting the locks fixed, yeah.

8 Q. Okay. In fact, you would agree that
9 Caroline Adams is generally a very frequent critic
10 of Sheriff McGuffey, particularly in the first two
11 years, correct?

12 A. I -- yeah, I would say so.

13 Q. Okay. Would it be fair to say you do not
14 appreciate Caroline Adams' criticisms?

15 A. That's very, very much safe to say. Her
16 goal to me is to destroy the sheriff's department.
17 So, yes, I take that very seriously.

18 Q. Okay. Would it be fair to say that -- has
19 Sheriff McGuffey ever told you that she does not
20 welcome or appreciate Caroline Adams' criticisms?

21 A. Yes.

22 Q. Have you ever used the term "crazy lady"
23 to describe Caroline Adams?

24 A. Yes.

25 Q. Prior to September of 2023 did you and

1 Sheriff McGuffey undertake meetings with sheriff
2 deputies in the --

3 A. Repeat the dates on that. I'm sorry.

4 Q. Yeah. Prior to September of 2023 -- in
5 other words, it could have been 2021, 2022 -- did
6 you and Sheriff McGuffey undertake, have meetings
7 within the sheriff's department with deputies to
8 address, among other things, Caroline Adams?

9 A. No.

10 Q. Okay. Did you or Sheriff McGuffey to your
11 knowledge ever tell deputies that if they or their
12 spouses associated in any way with Caroline Adams,
13 including by interacting with her on social media,
14 that there would be consequences?

15 A. No.

16 MR. WIEST: All right. Do you need a
17 break? Now is -- because I'm about to get
18 in another line of questioning, so now is
19 a good time.

20 MR. SIMON: Okay.

21 THE VIDEOGRAPHER: We're going off
22 the record at 10:18.

23 (A brief recess was taken.)

24 THE VIDEOGRAPHER: We're going back
25 on the record at 10:35.

1 BY MR. WIEST:

2 Q. Chief, I've got follow-ups as we always do
3 on breaks. And I'm going to talk about the
4 sheriff's office starting on January 4th of 2021 in
5 terms of organization and size and things like that.

6 And so I want to talk -- the top of the
7 sheriff's office's organization as of January 4th of
8 2021 was Sheriff McGuffey --

9 A. Correct.

10 Q. -- correct? You were right below her,
11 correct?

12 A. That is correct.

13 Q. And then who was reporting to you?

14 A. We have -- let's see. Major Kettelman.
15 Major Ems. At that time Major Reed. Chief Horn. I
16 don't -- I think I'm missing somebody. Then we had
17 our PIO -- yeah, just different people in the -- and
18 then, of course, everybody below that, too.

19 Q. Okay. When you say everybody below that,
20 everybody else below that that was reporting to the
21 majors who were then reporting to you --

22 A. So --

23 Q. -- correct?

24 A. -- yeah, you know, all the way down the
25 line.

1 Q. And so generally who was reporting to the
2 majors; were the captains reporting to the majors?

3 A. Captains report to majors.

4 Q. Did lieutenants also report to majors
5 depending on --

6 A. It depends on the -- sometimes I can get
7 where there could be a lieutenant directly reporting
8 to a major, like as Mike Gay when I was in RENU.

9 Q. Okay.

10 A. I was directly reporting. But, yeah,
11 normally it's a major -- you know, a captain
12 reporting to a major, but. . .

13 Q. And then lieutenant to the captain
14 generally?

15 A. Generally, yeah.

16 Q. And then the sergeants report to the
17 lieutenants?

18 A. Generally.

19 Q. And then there are corporals that report
20 to the sergeants?

21 A. Yes.

22 Q. And then are the patrol officers reporting
23 to the corporals?

24 A. It kind of is weird there. They're really
25 reporting to the sergeants.

1 Q. Okay.

2 A. The corporals are kind of the commanders
3 in the field, if you would.

4 Q. On-scene commander?

5 A. Yeah. If the situation arises, they're
6 going to take control until the sergeant gets there.

7 Q. Okay. Is there generally then a sergeant
8 on every shift?

9 A. Generally, yes.

10 Q. Obviously some of those people are on
11 vacation, some of those people are sick, but --

12 A. There's always going to be a sergeant or a
13 lieutenant always.

14 Q. Okay. How many employees did the Hamilton
15 County Sheriff's Office have in, let's say, 2021?

16 You can give me a rough.

17 A. 900.

18 Q. Okay.

19 A. Yeah, roughly 900.

20 Q. And was that true in 2022 also?

21 A. I -- I don't know.

22 Q. More or less?

23 A. I. . .

24 Q. You don't know?

25 A. We've gone up and down here in the last

1 four years. I know we lost a bunch of people at one
2 point and gained a bunch of people. So I don't know
3 what -- at what point in 2022. I don't know where
4 we were.

5 Q. Where is that -- where have those numbers
6 fluctuated from; I mean, can you give me a rough
7 range?

8 A. Probably between 800 and 900.

9 Q. Okay.

10 A. 820 and 900. I don't know.

11 Q. Okay. All right. True in 2024 also, 800
12 to 900?

13 A. It depends on what part of '24.

14 Q. Okay.

15 A. We were closer to 900. And I believe now
16 we're over 900.

17 Q. Do you agree that the Hamilton County
18 Sheriff's Office is one of the largest law
19 enforcement agencies in southwest Ohio?

20 A. Yes.

21 Q. Do you agree that the Hamilton County
22 Sheriff's Office is, along with other major
23 metropolitan cities in -- or counties in Ohio, one
24 of the largest law enforcement agencies in Ohio?

25 A. Well, I would say that we're the third

1 largest sheriff's department, I guess.

2 Q. Okay. Is that after Cuyahoga?

3 A. Cuyahoga and Franklin.

4 Q. Which is Cleveland and Columbus?

5 A. Correct.

6 Q. Okay. Do you know, what is Caroline
7 Adams' background or what's your understanding?

8 A. I have no idea.

9 Q. Okay. Do you know what her fixation is
10 on -- and by the way, it's not just the sheriff's
11 office she's critical of. I think she's also been
12 critical of Chief Theetge at Cincinnati Police and I
13 understand --

14 A. I don't know her. I don't know who she
15 is. I don't know what her issues are.

16 Q. Okay. Fair enough. I asked you before we
17 took a break whether you -- and I gave you a time
18 line -- of whether you and Sheriff McGuffey ever
19 took -- or undertook meetings with deputies to
20 address in briefings things that included Caroline
21 Adams. Do you ever remember doing that?

22 A. That was never any kind of intent of the
23 meetings or -- if that's what you're asking me.

24 There was one time I think she said something about
25 the troll or -- she called her a troll or something

1 like that in one of the briefings. We went out
2 there to talk about different things, but that was
3 never the focus.

4 Q. Okay.

5 A. And I think that only happened once.

6 Q. Where did that happen?

7 A. I don't know. One of the districts. I
8 don't remember which one.

9 Q. And did she generally warn deputies not to
10 be associated with Caroline Adams?

11 A. I never heard her say that.

12 Q. Okay. What did she say about -- during
13 this briefing about Caroline Adams and the troll?

14 A. She was joking and she said I've got a
15 troll who lives in her basement that criticizes me,
16 something to that effect, that I can remember.

17 Q. Okay. All right. I want to talk a little
18 bit about -- let me back up, one other sort of
19 generalized question. Are there more opportunities
20 for specialized assignments within the Hamilton
21 County Sheriff's Office versus other agencies
22 because of the size of the department?

23 A. Because of the size and that we're a
24 sheriff's department.

25 Q. Sure.

1 A. So there's more opportunities because we
2 have courts and the jail and all that. So I think
3 that's very safe to say.

4 Q. You've been involved in the recruitment
5 efforts within the sheriff's department for
6 officers, correct -- that's part of your duties?

7 A. As chief deputy --

8 Q. Yes.

9 A. -- or before?

10 Q. Well, certainly as chief deputy.

11 A. Yeah, not before. But, yeah, as chief
12 deputy -- of course, that's been my -- that was
13 number one on my list, you know, getting people in
14 the door, so yeah.

15 Q. Okay. Has it been the case that people
16 are willing to be paid less at the sheriff's office
17 than other departments because of the opportunities
18 and specialized assignments?

19 A. I believe so, yes.

20 Q. Okay. All right. Has that always been
21 the case?

22 A. It was the case when I was an officer.

23 Q. Okay.

24 A. And it's the case now. So I -- I don't
25 know about forever, but I think since Simon -- when

1 Simon Leis was in office.

2 Q. Okay. All right. Let's talk about Jason
3 Davis. By the way, did you know Jason Davis prior
4 to becoming chief deputy?

5 A. Sure.

6 Q. How long had you known him for?

7 A. Prior to chief deputy how do I know him?

8 Q. Right.

9 A. You know, I knew more of him than knowing
10 him personally. I knew his brother pretty well.

11 Q. His brother was at RENU?

12 A. His brother is in RENU. But I knew John
13 before that.

14 Q. Okay.

15 A. A really good officer. And I had him out
16 on the streets and then in RENU as well. As far as
17 how long I'd known Jason, probably -- again, knowing
18 him and knowing of him -- maybe seven, eight years
19 before I was chief deputy.

20 Q. Before you became chief deputy what was
21 your sort of general understanding of Jason as an
22 officer?

23 A. Jason was known as a malcontent.

24 Q. What does that mean?

25 A. Malcontents -- they complain, they know it

1 all, generally just bad attitude.

2 Q. Okay. Did you have any personal
3 experience with him?

4 A. Before or --

5 Q. Right. Before you became chief deputy.

6 A. Before he just -- the -- his reputation.

7 Q. Okay. Who had reported that to you; do
8 you remember?

9 A. No, I don't remember.

10 (Plaintiffs' Deposition Exhibit No. 7
11 was marked for identification.)

12 Q. Okay. I'm handing you Exhibit 7. We're
13 not going to talk about it very long, but we are
14 going to talk about it.

15 A. \$11.12.

16 Q. By the way, do you have any specific
17 examples of -- I mean, you talked about his
18 reputation -- of Jason's malcontent or complaining
19 behavior prior to you becoming chief deputy?

20 A. Not prior.

21 Q. Okay.

22 A. I take that back. I believe he was in the
23 jail for a very long time, and I believe that was
24 the reason why.

25 Q. Okay. You thought that his tenure in the

1 jail was because he was a malcontent?

2 A. Yes.

3 Q. Okay.

4 A. And, again, that was -- that was the
5 opinion I had of him.

6 Q. Okay. Did that -- do you have any
7 specific examples of once he became a patrol officer
8 of that behavior?

9 A. I don't remember when he became a patrol
10 officer, but up until being chief deputy, no.

11 Q. With someone being a malcontent or a
12 know-it-all or having a bad attitude, would that be
13 reflected in performance reviews?

14 A. It should be.

15 Q. Okay. We're going to talk about that in a
16 couple of minutes. Jason -- you don't dispute
17 Exhibit 7 -- was appointed as a correction officer
18 beginning in January of 2002, correct?

19 A. No.

20 Q. All right. And I think you commented
21 \$11.12?

22 A. Yeah.

23 Q. That was the going rate then.

24 A. Unbelievable. Mine was \$8.00 when I
25 started.

1 Q. Okay. So a decade of inflation was \$11.12
2 an hour. Okay. And he had to take an oath. We see
3 that on the second page of that --

4 A. Yes, sir.

5 Q. -- exhibit.

6 MR. WIEST: Let's go ahead and look
7 at eight.

8 (Plaintiffs' Deposition Exhibit No. 8
9 was marked for identification.)

10 Q. He takes another oath in January of '13.
11 And it looks like Major McGuffey at the time
12 witnessed it.

13 A. Uh-huh.

14 Q. And then there's an appointment that
15 follows, if you look. It looks like Jim Neil signed
16 on January 7th of 2023 [sic] on the second page of
17 this.

18 A. Yep.

19 Q. Do you know why this particular entry
20 occurred with the Hamilton County Common Pleas
21 Court?

22 A. I have no idea what this is.

23 Q. Okay. Fair enough. All right.

24 A. I mean, I know what an oath of office is.
25 I don't know appointment of deputy sheriffs.

1 Q. And why it was being entered in the court;
2 you don't know?

3 A. I don't know.

4 MR. WIEST: That's fair. All right.

5 Let's go look at Exhibit 9.

6 (Plaintiffs' Deposition Exhibit No. 9
7 was marked for identification.)

8 Q. Jason gets moved, it looks like, in
9 October of 2014 as reflected in Exhibit 9 to
10 enforcement officer, which is patrol, correct?

11 A. Correct.

12 Q. And I think you told me that there was an
13 application and appointment process that was part of
14 that, correct?

15 A. I don't know what Jim Neil did.

16 Q. Okay.

17 A. That's how we do things. This was
18 probably -- I have no idea, I should say that. I
19 don't know how they came up with this list.

20 Q. Let me ask, did the process -- did you and
21 Sheriff McGuffey change the process at all in terms
22 of corrections to enforcement officer starting in
23 2021 or after?

24 A. It was after that. It was after '21.

25 We -- it took us, like I said, there was -- the

1 locks didn't work. So, yes, then we came to the
2 National Testing Network and the panel interviews
3 after a time.

4 Q. Was that true for movement from
5 corrections to enforcement also?

6 A. I think we started with the testing
7 promotions and then we eventually got to
8 corrections, yes.

9 Q. Okay.

10 A. But that might have been the next year or
11 so. I don't remember.

12 Q. So what was the pro- -- well, let me ask,
13 you don't know whether the process had ever changed
14 under Jim Neil?

15 A. I don't believe it did.

16 Q. Okay. So was there a test that was part
17 of that and was there an interview also?

18 A. For Jason Davis?

19 Q. Well, right, or for generally, movement
20 from corrections to enforcement.

21 A. I have no -- I have no idea how they did
22 it.

23 Q. Okay. You knew -- and you already told me
24 what happened when you did it, correct?

25 A. Yes.

1 Q. Okay. I want to talk about and I want to
2 look at evaluations.

3 A. Okay.

4 Q. And before I look at it, there were
5 numeric scores --

6 A. Uh-huh.

7 Q. -- that were provided. Can you tell me
8 generally what those scores related -- like what was
9 the scale? Let's start there.

10 A. So the scale is from -- can I see the
11 exhibit?

12 Q. Yeah, let's go do that.

13 A. There's. . .

14 MR. WIEST: I'm marking this as 10.

15 (Plaintiffs' Deposition Exhibit No.

16 10 was marked for identification.)

17 Q. And we'll just talk about the first page
18 before we get into them all so I can get a sense of
19 how this worked. I mean, you've seen these
20 evaluation forms, correct --

21 A. Oh, yeah.

22 Q. -- because you were a supervisor?

23 A. Sure.

24 Q. Can you tell me what the scale was?

25 A. So the scale goes from zero to 25.

1 Q. Okay.

2 A. Twenty-five being unattainable is what we
3 were taught. Now, we were taught this many, many
4 years before this arbitrary number evaluation and --
5 so 25 was not possible to get. You couldn't get
6 that.

7 Q. Okay.

8 A. Any score over a 20 would have been where
9 you would have had to justify each line over a 20.
10 And we really got away from that. But at this point
11 --

12 Q. Right. 2016 is the first page of this.

13 A. -- 2016 --

14 Q. Yeah. Although I think the rating period
15 on the first page -- and I'll tell you, I've got all
16 of his evals.

17 A. Yeah.

18 Q. We're going to go through them.

19 A. Yeah.

20 Q. But the first page is January 1st of
21 '15 to 12/31 of '15, if you look.

22 A. Yeah.

23 Q. And I guess my question is, you said
24 anything over 20 had to be specially justified?

25 A. Yeah.

1 Q. What was kind of the bottom of the scale
2 in terms of -- I'm assuming at some point numbers
3 get below a meets expectations and it's problematic.
4 Do you know what that was?

5 A. Single digits.

6 Q. Okay.

7 A. Single digits were where you were getting
8 -- that was very poor.

9 Q. So nine or below you were not meeting
10 expectations, fair?

11 A. So there's an entire book that I think I'm
12 the only one probably that has the -- or I had the
13 last remnant of this. But we learned this so many
14 years ago. This is so old.

15 Q. Okay.

16 A. But there was a book that had that rating
17 scale. And none of these people that are in these
18 evaluations ever read that book. This was kind of
19 not very -- it was a terrible system. But go ahead.

20 Q. Okay. Well, let me --

21 A. So -- but yeah. I would say the single
22 digits were where people were really lacking.

23 Q. Okay. And then let's say you're in that
24 10 to 19 range -- or 10 to 20 range. I think you
25 said anything over 20 required a special

1 classification. In the 10 to 20 range -- like if
2 I'm reading, it looks like Jason, for instance, had
3 a 12 for job knowledge and performance --

4 A. Uh-huh.

5 Q. -- and I think he's got a 15 in there for
6 attendance and punctuality.

7 A. Uh-huh.

8 Q. What, if anything, can I discern from that
9 first page?

10 A. I believe this was -- was this his
11 first -- I think this was his first --

12 Q. Eval as an enforcement officer --

13 A. -- eval.

14 Q. -- yes, sir.

15 A. And a 12 for this. Let's see who the
16 sergeant was. Brian Sovern. So this would have
17 been a pretty solid first year.

18 Q. Okay.

19 A. Nothing spectacular, but it would be good.

20 Q. And it looks like he got four letters of
21 appreciation. There's a narrative --

22 A. Uh-huh.

23 Q. -- on the second page of this. I think it
24 actually starts on the first. It says Areas to
25 Improve, slash, Comments. Enforcement Officer Jason

1 Davis has been assigned to District 5, Squad B,
2 since his successful completion of field training in
3 February of 2015. Enforcement Officer Davis
4 definitely hit the ground running. He has good
5 enforcement numbers, including three felony arrests,
6 19 misdemeanor, and 14 minor misdemeanor arrests.
7 Enforcement Officer Davis has performed well in
8 self-initiated activity, not only in stopping and
9 searching cars, but stopping and searching the
10 correct cars, producing result. Enforcement Officer
11 Davis has good numbers in citations and warrants
12 served at 77 and 82, respectively. He also has one
13 recovered stolen vehicle and a good number of FIRs.
14 What's an FIR?

15 A. Field interrogation reports.

16 Q. Okay. Is that where you --

17 A. Suspicious person.

18 Q. Okay.

19 A. Who are you, what are you doing here?

20 Q. Okay. Weaknesses observed are lack of
21 PFOs --

22 A. Property found open.

23 Q. Okay. With only four for the year, as
24 well as low OVI arrests. Enforcement Officer Davis
25 also needs to be mindful of his detail cards; he has

1 left off useful statistical information which would
2 show a higher monthly standard, more in line with
3 his good enforcement numbers. What's a detail card?

4 A. It's an activity log to show us what
5 you've done. So they write down I made a traffic
6 stop or I went on a burglary run.

7 Q. Okay. Enforcement Officer Davis received
8 four citizens' letters of appreciation, including
9 one from a subject he arrested. Enforcement Officer
10 Davis is off to a very good start in his new
11 position, and I encourage him to keep up the good
12 work. Enforcement Officer Davis used no sick time
13 during this evaluation period.

14 So I think you told me this is -- the term
15 you used was solid rating?

16 A. Yes.

17 Q. Okay. For a first-year enforcement
18 officer?

19 A. Yes.

20 Q. Let's look at the second year. This is
21 1/1/16 to 12/31/16. The overall score goes up two
22 --

23 A. Uh-huh.

24 Q. -- from 12 to 14. And there's a
25 commentary there as well that talks about -- by the

1 way, would this be consistent with expectations or a
2 solid report also --

3 A. Yes.

4 Q. -- for the second year? Okay. The
5 statement is made this is his second annual
6 evaluation, and he continues to shine as an
7 aggressive officer, making traffic stops of
8 suspicious vehicles and developing cause to search,
9 with his arrest numbers reflecting such. And
10 there's some statistics there.

11 The statement is made Enforcement -- on
12 the second page, Enforcement Officer Davis's work is
13 commendable. He is quick to assist others, and he
14 is a positive force on the morale of his squad with
15 his efforts to make the workplace enjoyable.

16 There's a comment about wanting his OVI
17 numbers to increase as well, correct?

18 A. Correct.

19 Q. Although, that says that given his
20 enforcement numbers, I do not believe this is a
21 reflection of his effort. It says, The main area of
22 improvement should be in dependability. Enforcement
23 Officer Davis performs his enforcement duties with
24 good street knowledge and desire to be effective,
25 but he often needs reminding to complete OHLEG and

1 Police One training assignments.

2 What is that, OHLEG and then Police One;
3 do you know?

4 A. It's just training through the state.

5 Q. Is it like --

6 A. Police One is a -- Police One is a company
7 that we purchase some -- you can get training from
8 them for a fee.

9 Q. Okay. Was that like OPOTA training?

10 A. No.

11 Q. Okay. That's different?

12 A. Yeah.

13 Q. Okay. With our ever-increasing demands in
14 hours for continued professional training, he will
15 be called upon to do more of these training blocks,
16 and I would like to know the assignments will be
17 done without prodding. Enforcement Officer Davis is
18 a solid employee who takes his position and
19 enforcement duties to heart. He received a
20 Divisional Commendation resulting from an incident
21 on June 23, 2016, when he responded to a residence
22 for a non-breather.

23 What's a Divisional Commendation?

24 A. So we have two types of commendations. We
25 have squad commendations and that's if you get a bad

1 guy with a gun, you do something more on the lines
2 of your job, but do it well. Saving someone's life
3 like what Jason did here, that would be a divisional
4 commendation.

5 Q. How often were those issued within the
6 sheriff's department?

7 A. We save a lot of lives, so -- it's not
8 rare. But it's -- you know, there's a lot of squad
9 commendations. And it's lesser for divisional. But
10 we probably hand out, you know, maybe 15 a year.

11 Q. Okay. All right. Where did these first
12 two evaluations put him in comparison to other
13 similarly situated first and second-year enforcement
14 officers; do you have a sense of that?

15 A. I think that's probably about the norm,
16 the average.

17 Q. Middle of the pack?

18 A. Yeah, I would think so.

19 Q. Okay. All right. The next evaluation
20 that we've got is January 1st of '17 to December
21 31st of '17; you see that, correct?

22 A. Yes.

23 Q. Two letters of appreciation. It looks
24 like the overall score is 14. As an aside, is that
25 just an average, like if I were to add these up and

1 divide them by 20, is that where I would get that
2 14; do you know?

3 A. Exactly that, yeah.

4 Q. Okay. The statement is made he continues
5 to be a proactive officer with five felony arrests,
6 11 misdemeanor arrests, 28 minor misdemeanor
7 arrests, and 95 warrants served. He continues to
8 make traffic contacts, with 107 traffic citations
9 and 200 [sic] traffic warnings issued. Enforcement
10 Officer Davis is always willing to assist his squad
11 members with arrests and report paperwork. He has a
12 positive attitude which, in turn, creates an
13 easygoing yet professional working environment; do
14 you see that?

15 A. Uh-huh.

16 Q. I've looked at three evaluations so far,
17 and I don't see anything about a malcontent, instead
18 I see statements about positive attitude; do you
19 know why that would be the case?

20 A. I don't know anything about what he was
21 doing during these times.

22 Q. Okay. All right. Would you agree that in
23 terms of people with the best knowledge of what he's
24 doing or not doing or his attitude, his supervision
25 that's filling -- that is filling out these

1 performance reports would have the best information?

2 A. At that time?

3 Q. Yes.

4 A. Yes.

5 Q. Okay. All right. Let's look at 2019. By
6 the way, these reviews all go through the chain of
7 command, don't they?

8 A. They do.

9 Q. I mean, it goes -- it looks like it goes
10 up through the sergeant, the lieutenant, I think
11 that's a captain, division commander, chief deputy,
12 and the sheriff, correct?

13 A. Correct.

14 Q. Who was his division -- let's go back to
15 his division commander in 2019. Is that -- do you
16 know whose signature that is?

17 A. In '19?

18 Q. Yeah. It looks like it was signed
19 actually on March 11th of 2020. This is the 2019 --

20 A. Oh.

21 Q. -- evaluation.

22 A. Yeah, yeah, yeah, yeah. Yeah. Chris
23 Kettelman.

24 Q. Okay. Who is getting ready to take over
25 your position?

1 A. Correct.

2 Q. Do you trust Chris Kettelman's, you know,
3 work in evaluation of the assessment of officers?

4 A. Sure.

5 Q. Okay. This is 2019 and Jason's overall
6 score is going up from a 14 to a 16, correct?

7 A. Correct.

8 Q. It says, Since being on day shift -- among
9 other things -- Enforcement Officer Davis's
10 knowledge has improved along with assisting his
11 co-workers. And then on the additional comments,
12 During this rating period, Enforcement Officer Davis
13 received a Divisional Commendation for assisting
14 co-workers during an incident with a subject with
15 psychiatric issues and a gun, correct?

16 A. Correct.

17 Q. During this incident, Enforcement Officer
18 Davis used great restraint and patience and was able
19 to resolve the incident peacefully. See attached
20 Divisional Commendation. Enforcement Officer Davis
21 received an additional four letters of appreciation
22 from citizens.

23 And then there's a comment. They would
24 like to see improvement across the board in
25 evaluation statistics, needs to improve his numbers

1 in vacation checks and other self-initiated comments
2 [sic], correct?

3 A. Categories.

4 Q. Categories. Okay. All right. Let's look
5 at the 2021 -- actually it's part -- this was one of
6 the questions I had for you. If you look -- and
7 maybe you know why this is and maybe you don't --
8 2019, I've got an evaluation from January 1st of
9 2019 to December 31st of '19. And then the next
10 evaluation -- and by the way, I will represent to
11 you, all of this was produced to us in discovery by
12 you folks.

13 A. Okay.

14 Q. It wasn't anything we had. And it looks
15 like the rating period then runs June of 2020
16 through June of 2021; do you see that?

17 A. Uh-huh.

18 Q. Do you know why there's that six-month
19 gap?

20 A. I have no idea.

21 Q. Okay. Did evaluations continue after you
22 and Sheriff McGuffey took office?

23 A. Like I said, we switched as soon as we
24 could to get out of these -- these are -- I need to
25 be honest with you, these are useless.

1 Q. Why do you say that?

2 A. It's an arbitrary number. You can look at
3 Jason's rating period from 6/10/20 to 6/10/21. Look
4 at the work that that sergeant did. I don't know
5 who it is. I can't even see their name. But he got
6 an overall score of 17. So what does he do, he
7 gives 17s all the way down. They put no thought --
8 again, they don't have the book. That book does not
9 exist that explains how to do this evaluation.

10 I did it in -- I believe it was before --
11 it might have been in the '90s that we learned how
12 to do these things. So these guys had no idea what
13 they were doing on these evaluations. And so you
14 could see he just writes 17, 17, 17. And there's no
15 thought in that. That is not a -- this is a
16 worthless evaluation.

17 Q. Did these come up to you as the chief
18 deputy to review?

19 A. So I stopped reviewing them. I had the
20 majors review them. What had happened was every --
21 every day I came in, as the chief deputy, I had
22 about a stack of paperwork that high. I'm signing
23 evaluations for the maintenance guys and the guy
24 that works in commissary. And I'm sitting there and
25 signing my name while the jail is falling down. So

1 I -- there's no way I could -- I couldn't keep doing
2 it.

3 Q. So you delegated it?

4 A. I delegated it to a major.

5 Q. Okay.

6 A. The majors.

7 Q. You talked about the numbers. Would it be
8 fair to say, though, that the commentary would be
9 accurate?

10 A. No. Why would you think that if he didn't
11 have a -- he didn't have the -- he didn't bother
12 doing anything with the scores. I would think that
13 he didn't really care about the areas of improvement
14 or comments. It's a useless evaluation. I would
15 throw it away.

16 Q. Okay. Do you have any personal knowledge
17 that the commentary is not accurate?

18 A. I wouldn't know. I mean, but I look at
19 that score and I'd, well, obviously he didn't put
20 anything into this.

21 Q. Okay.

22 A. I wouldn't think anything -- I mean, I
23 haven't even read it, but I would say I wouldn't --
24 I wouldn't have bothered looking at it.

25 Q. Okay. And the comment is Officer Davis is

1 one of the more veteran officers on the squad and is
2 often relied upon by his co-workers for guidance and
3 assistance. Do you have any reason to believe that
4 that's not true?

5 A. I don't -- I have no idea.

6 Q. Okay. Officer Davis exhibits a high
7 proficiency in case, slash, suspect investigations
8 and information gathering. Officer Davis has shown
9 to be a fair, yet firm officer whose personality and
10 work ethic has gained the respect of those who
11 reside in the community.

12 Do you have any reason to believe that
13 that's not true?

14 A. I have no idea.

15 Q. When the communities were shut down,
16 though, due to COVID-19 restrictions, Officer Davis
17 continued to patrol Anderson Township with the same
18 focus and desire to serve the public as he did prior
19 to the pandemic. Do you have any reason to believe
20 that's not true?

21 A. I have no idea.

22 Q. There are statistics -- enforcement
23 statistics that are provided. Do you believe that
24 that's not true?

25 A. If they put it in there, I would assume

1 that they are true.

2 Q. Okay. Are those statistics problematic
3 from your perspective?

4 A. Well, yes.

5 Q. Why?

6 A. Well, five traffic citations per month,
7 three -- well, ten traffic warnings. Arrest
8 warrants, 91. That's about eight a month. It's
9 just -- it's not a whole lot.

10 Q. Okay. What would you expect?

11 A. Well, nine felony arrests. That means
12 he's not making -- he's not making any felony
13 arrests. He's not even making one felony arrest a
14 month. Nine misdemeanor arrests -- again, you're
15 not even getting a misdemeanor a month. A minor
16 misdemeanor arrest. That's any -- that's one and a
17 quarter per month. So a person driving around with
18 marijuana, open containers -- I mean, that's pretty
19 easy stuff to get, so. . .

20 Q. So he's in Anderson Township, correct?

21 A. Uh-huh. Correct.

22 Q. Do you have a sense of what the other
23 officers assigned to Anderson Township are
24 generating in terms of activity?

25 A. I don't.

1 Q. Would it be important to compare him
2 compared to others to see --

3 A. If I was doing this evaluation, yes.

4 Q. Okay. But you can't tell me what the
5 general statistics for that particular post were?

6 A. No.

7 Q. Okay. All right. You said that you
8 changed the evaluation system?

9 A. Yes.

10 Q. Would that be why I don't have anything
11 else in writing after -- or for periods that were
12 after June 10th of 2021?

13 A. That would probably be it. So we had a
14 period where we were transitioning. And then we had
15 a difficult time kind of getting it off the ground,
16 so. . .

17 Q. And so how did it -- what did it become?

18 A. It's a self-assessment. And then your
19 supervisor gets it. Then they assess you. And then
20 you sit down and you talk about it together.

21 Q. Do you know when that was first
22 implemented?

23 A. So I tried to implement it in '21.

24 Q. Okay.

25 A. But I think it didn't even get going until

1 '22.

2 Q. Okay. I don't have that and that wasn't
3 produced for Officer Davis. I will represent to you
4 the last thing that we got in discovery in terms of
5 evaluations was the last page of this that we looked
6 at --

7 A. Right.

8 Q. -- for that 6/10/21, the period ending.
9 Do you know, does the sheriff's office have anything
10 else for Jason Davis --

11 A. Everything that you've got is what you've
12 got. Again, we have a system now. We're -- we are
13 currently about to go to a new system that is
14 tracked. It's a web-based program. So my guess is
15 that several of these got through the cracks without
16 having evaluations.

17 Q. Okay. Let me ask generally about our
18 patrol officers -- or I think the exact job
19 description is enforcement officer. Is that the
20 official term?

21 A. It used to be patrol officer. Jim Neil
22 made it enforcement officer, so -- yeah, you'll. . .

23 Q. Okay.

24 A. One or the other.

25 Q. Okay. Would you agree that Jason Davis

1 never acted as any sort of official spokesperson for
2 the sheriff's office?

3 A. I would agree to that.

4 Q. Would you agree that none of his assigned
5 duties included acting as a spokesperson for the
6 sheriff's office?

7 A. I don't believe so.

8 Q. All right. Do you agree that as a patrol
9 officer Jason Davis was not a direct report of the
10 sheriff or the policy making role for the sheriff's
11 office?

12 A. I don't believe so.

13 Q. That's correct, right -- I mean, he wasn't
14 doing that, right?

15 A. I don't believe so.

16 Q. Okay.

17 A. Yeah, I don't -- I don't know that.

18 Q. I mean, you and the sheriff are setting
19 policy, correct?

20 A. Are you talking about before Sheriff
21 McGuffey and me or are you talking about during -- I
22 don't think he was doing anything under Jim Neil.
23 He definitely wasn't doing anything as far as that
24 under Sheriff McGuffey.

25 Q. Yeah, let me be more specific. From

1 January 4th of 2021 until the date that Jason Davis
2 left, he was never acting as any sort of official
3 spokesperson for the sheriff's office, right?

4 A. Correct.

5 Q. That is correct, right?

6 A. That is correct.

7 Q. Okay. His assigned duties from
8 January 4th of 2021 until the date that he left did
9 not include acting as a spokesperson for the
10 sheriff's office, correct?

11 A. That is correct.

12 Q. And as a patrol officer from January 4th
13 of 2021 until the date that he left, he was not a
14 direct report to the sheriff with any sort of policy
15 making role for the department, correct?

16 A. That is correct.

17 Q. Okay. All right. Did the employees have
18 the opportunity to make comments to their
19 evaluations during the period the written
20 evaluations in Exhibit 10 existed?

21 A. I. . .

22 Q. I'll tell you why I asked.

23 A. I don't believe there was a place for it.

24 Q. If you see on that first page -- and this
25 was in several of them -- there's a checked box. It

1 says, If checked, comments on reverse side. Do you
2 see that on the first page?

3 A. I do.

4 Q. And I'll tell you, Chief Gramke, I do not
5 see any of Jason Davis's comments that were produced
6 to us; do you know why?

7 A. This is if checked, there's comments on
8 the back. So the comments, areas to improve
9 comments, Officer Jason Davis, this -- if that's
10 checked, that means that continues on the back.
11 It's for the employee.

12 Q. Okay. Those are referring to the
13 commentary that's on, for instance, the second page
14 of Exhibit 10?

15 A. Yes. So it would have been front and back
16 page. So, no, they don't -- they do comment now.
17 Now we do have that where they're commenting. But
18 if they wanted to comment back then, they could
19 have -- they had to write an interdepartmental
20 correspondence if they wanted to comment on their
21 evaluations.

22 MR. WIEST: Okay. I'm going to do 11
23 together. Exhibit 11. Let me mark this
24 for you.

25 (Plaintiffs' Deposition Exhibit No.

1 11 was marked for identification.)

2 Q. And I'll just let you page through this.

3 A. Uh-huh.

4 Q. These are a number of either thank you or
5 appreciation letters, in some cases there were
6 divisional commendations, I think there's letters
7 from a couple of judges in there all praising Jason
8 Davis and his work --

9 A. Uh-huh.

10 Q. -- correct?

11 A. Yes.

12 Q. There's one -- if you go towards the back,
13 there's one from Sheriff McGuffey in which Jason I
14 guess participated in an Operation Early Bird in
15 2021.

16 A. I'm trying to find it.

17 Q. Yeah. It's easiest just to start at the
18 back. It's the last three pages.

19 A. Okay. Okay.

20 Q. And by the way, you signed this also --

21 A. Okay.

22 Q. -- if you look. It says Chief. And that
23 is your signature, right, amazing job by all?

24 A. Yes.

25 Q. Sheriff McGuffey makes the comment, So

1 very proud of all the deputies who did such a great
2 job. This effort brings recognition to our office
3 throughout the state. And there's a list of those
4 that participated including, if you look, Jason
5 Davis, correct?

6 A. Correct.

7 Q. You wouldn't have signed that if it wasn't
8 true, correct, you didn't think it was -- it
9 reflected an amazing job?

10 A. No. They do a good job.

11 Q. Okay. Are you aware sitting here of any
12 particular performance or job-related problems with
13 respect to Jason Davis while he was a patrol
14 officer -- and I understand there may have been some
15 issues while he was at the jail, you talked about
16 that --

17 A. Uh-huh.

18 Q. -- while he was a patrol officer with the
19 Hamilton County Sheriff's Office?

20 A. No.

21 Q. Okay. Are there currently written
22 performance standards for sheriff's deputies within
23 the sheriff's office?

24 A. Evaluations?

25 Q. Right.

1 A. Written standards?

2 Q. Or objective metrics.

3 A. Again, we're changing it as we speak.

4 Q. Okay.

5 A. There was -- the sheriff's department was
6 so antiquated when we came in. It was almost
7 impossible to track these things. So that's some of
8 the problem we had. So now, again, we've got a new
9 system that we're purchasing -- we've already
10 purchased, I should say, and the new evaluations
11 will be coming out probably midyear, I would think.

12 Q. Just to be fair, we're here in February of
13 2025, correct?

14 A. Uh-huh.

15 Q. Okay. So the system is not currently
16 implemented, correct?

17 A. So we implemented a new system.

18 Q. Okay. When did that happen?

19 A. That was in '21 or '22.

20 Q. Okay. But you don't have any explanation
21 for me why I don't have any evaluations for Jason
22 Davis for that period?

23 A. My guess is that there -- because of the
24 lack of a tracking system, my guess is his
25 supervisor didn't do it.

1 Q. Okay. Was there any consequences to the
2 supervisor for not doing it that you're aware of?

3 A. Not that I'm aware of.

4 MR. WIEST: Okay. All right. Let's
5 go ahead and mark that 12.

6 (Plaintiffs' Deposition Exhibit No.
7 12 was marked for identification.)

8 MR. WIEST: We're not using those
9 again. So you can put them face down.

10 THE WITNESS: Yeah. Can I just get
11 these out of the way?

12 MR. WIEST: Yeah, put them over
13 there. Don't take them with you, though,
14 because the court reporter is going to
15 want them.

16 THE COURT REPORTER: I'll take them.
17 Thank you.

18 THE WITNESS: There we go. Can I
19 just hand these to you as I go?

20 THE COURT REPORTER: Absolutely.

21 THE WITNESS: All right.

22 MR. SIMON: You can put them right
23 here when you're done. When you're done.

24 THE WITNESS: Gotcha.

25 BY MR. WIEST:

1 Q. I've handed you what I've marked as
2 Exhibit 12.

3 A. Okay.

4 Q. You've seen this before, correct?

5 A. I have.

6 Q. In fact, that's your signature on the
7 eligibility list, isn't it?

8 A. Yes.

9 Q. Okay. This was an eligibility list that
10 was dated January 13th of 2023, correct?

11 A. Correct.

12 Q. And it looks like there were 33 people on
13 the list from what I can tell, correct?

14 A. I think so, yeah.

15 Q. Okay. How long are these lists good for?

16 A. I'm not positive.

17 Q. Okay. Do you have a general -- if I don't
18 hold you to it, do you have a general sense of --

19 A. I believe it's two years.

20 Q. Okay. All right. So this would have been
21 good for January -- until January -- if that's true,
22 two years -- January 13th of 2025?

23 A. Correct.

24 Q. Okay. Do you know how many people had
25 been promoted off of this list, say, as of August of

1 2023?

2 A. August of '23?

3 Q. Yes, sir.

4 A. I would not know.

5 Q. All right. Would somebody know if they
6 were next on the list -- would like an officer know
7 if they were next on the list?

8 A. So these are posted in every briefing
9 room.

10 Q. Okay.

11 A. We actually post these on the intranet --
12 or in-house Internet.

13 Q. Okay.

14 A. So -- and what they do in the districts is
15 they strike as they go down the list.

16 Q. So if people are made corporal --

17 A. So they'll know.

18 Q. -- they'll get striked --

19 A. Yeah, yeah, yeah.

20 Q. Okay. Is that done at headquarters also
21 so that you folks know who is next on the list?

22 A. No.

23 Q. Okay.

24 A. Headquarters is -- I'm downtown.

25 Q. That's what I meant, downtown.

1 A. No. We don't have -- we don't keep a
2 list.

3 Q. Who -- I think you told me this. You and
4 Sheriff McGuffey would make the decision about who,
5 in fact, would receive a promotion off of this list,
6 correct -- as the vacancies arose?

7 A. So as the vacancies come, you know, I
8 would just tell the sheriff, hey -- so the major
9 would say, hey, I need three corporals.

10 Q. Okay.

11 A. Two sergeants, whatever. And then I go
12 okay. And then I would kind of just let the sheriff
13 know, hey, this is what we're doing. I mean, when
14 we -- I talked about skipping people. I would go to
15 the sheriff for something like that.

16 Q. Okay.

17 A. But just promoting people like this, the
18 major says, hey, I need three people. I promote
19 three people.

20 Q. Okay. Are you aware of -- and maybe it
21 wasn't produced to us and so I don't have it for
22 that reason -- of a 2022, 2023 evaluation by
23 Sergeant Viner for Jason Davis that indicated that
24 he should be transferred to RENU?

25 A. I don't see that.

1 Q. Okay.

2 A. I never saw that.

3 Q. Okay. All right.

4 A. And it's an evaluation?

5 Q. It was in an evaluation.

6 A. No.

7 MR. WIEST: All right. Don't give
8 that to her. We're going to come back to
9 that --

10 THE WITNESS: Okay.

11 MR. WIEST: -- one. I am going to
12 mark this 13.

13 (Plaintiffs' Deposition Exhibit No.
14 13 was marked for identification.)

15 Q. I will tell you, Chief, that this was a
16 Collective Bargaining Agreement and some amendments
17 to it that was produced to us in discovery that
18 governed -- I think this started in 2020 and it ran
19 through -- December of '23 was the initial contract
20 and then there were some amendments that I attached
21 to it also --

22 A. Okay.

23 Q. -- involving pay scale adjustments. Would
24 you agree generally that a corporal was paid eight
25 percent more than the top scale of a patrol officer?

1 A. Yes.

2 Q. Okay. Do you know when the enforcement
3 officers unit began their negotiations on the
4 contract that followed this contract to begin in
5 January of 2024?

6 A. No, I wouldn't know.

7 Q. Okay. Did you know that Kevin Manos was
8 the bargaining unit president?

9 A. At that time?

10 Q. Well, presently and in 2024.

11 A. He is presently. And I don't know when --
12 yeah, I'm sure.

13 Q. Okay.

14 A. Yes.

15 Q. Okay. If you look -- and I want to kind
16 of get into 2023. If you look, there's the -- kind
17 of go towards the back of this -- three pages from
18 the back. The corporal pay was \$86,176.28
19 annually --

20 A. Yep.

21 Q. -- correct? Okay. If you look at --
22 there's a section in this. Go to page 27 at the
23 bottom. It's not -- it's in the original contract.
24 It's not an addendum. It's marked 27 at the bottom.

25 MR. SIMON: Can I see that again?

1 A. I don't know where you're at.

2 Q. About halfway through. Because there's
3 addendums that I attached to the adjustments.

4 A. Court time call-in? Okay.

5 Q. Yeah, among other things.

6 A. Yeah.

7 Q. And what I wanted to look at were a couple
8 of things on this, one of which is section 20.4.
9 Any employee assigned to OCD, CIS, K-9, Execution
10 Officer, Law Enforcement Investigator, or Traffic
11 Unit [sic] shall, for the duration of the
12 assignment, be compensated at the corporal rate of
13 pay; you see that, right?

14 A. I do.

15 Q. Did that include RENU?

16 A. It did.

17 Q. Okay. So people that were assigned to
18 RENU would get the corporal rate of pay, correct?

19 A. Correct.

20 Q. Okay. And then there was also an
21 adjustment that was also on top of that base pay for
22 years of service, right? Look at 20.5.

23 A. Oh. Oh. The longevity pay.

24 Q. Correct.

25 A. Yes.

1 Q. So, for instance, if someone had 20 years
2 of service or more, there would be a two percent
3 adjustment above that for longevity pay?

4 A. Correct.

5 Q. Okay. All right. How many officers does
6 the sheriff's department assign to RENU?

7 A. It's approximately 30 people. Now,
8 there's some investigation -- you know, the
9 investigators, supervisors, there's some -- a couple
10 of civilian, you know, folks, too. But there's
11 about 30 people, though.

12 Q. Does RENU involve a lot of overtime
13 opportunities?

14 A. It depends on the year. It depends on the
15 time.

16 Q. The investigative activity?

17 A. Yeah. You know, if they're busy, yeah,
18 they get quite a bit of overtime. Sometimes it
19 dries up and you don't get any.

20 Q. Okay. What is that paid at, time and a
21 half?

22 A. Time and a half, yeah.

23 Q. Okay. In terms of corporal promotions and
24 whether there was a need for a promotion, did the
25 buck stop with you and Sheriff McGuffey on that; in

1 other words, was that decision made by you and the
2 sheriff on whether there was a need for a promotion?

3 A. So the need for promotions comes from the
4 majors.

5 Q. Okay.

6 A. Which comes -- which could come from a
7 captain or -- somebody is going to say, hey, I have
8 an opening. And then it would go to the major. The
9 major would contact me and say, hey, I need a
10 lieutenant and two sergeants. And so then we would
11 then -- and they would, of course, do a test and
12 then pick the person and they'd be promoted.

13 Q. Okay. When you say do a test, you meant
14 through the eligibility list?

15 A. Or if there was an eligibility list.

16 Q. Okay.

17 A. So if he called me -- there was an active
18 list like this, he says, hey, I need three
19 corporals. I say okay. And he would tell me what
20 he wants.

21 Q. Okay.

22 A. Which usually would be straight down the
23 list.

24 Q. Okay. And then you and the sheriff would
25 be the final decision makers for the actual

1 promotions to corporal, correct?

2 A. So, again, that wouldn't be -- I would --
3 if Major Kettelman called me and said, hey, I --
4 let's say on this first list he said I need three
5 corporals, so the first three there. And I would
6 say okay, promote them. And then we would get that
7 going. I -- the sheriff would know about it after
8 the fact. Now, if we were promoting captains,
9 obviously majors, the sheriff would get involved in
10 something like that.

11 Q. Okay. Did you ever overrule Major
12 Kettelman in terms of corporal promotions?

13 A. Corporal promotions?

14 Q. Yes, sir.

15 A. You're not talking about RENU?

16 Q. I'm not -- not RENU right now. We're
17 going to talk about that in a minute.

18 A. Corporal promotions I had -- I've done it
19 one time.

20 Q. And when did you do that?

21 A. Two or three years ago.

22 Q. And why did you do it?

23 A. We had an employee who was very vocal,
24 very disgruntled. And so I advised Major Kettelman
25 that we were going to pass him up, and we did. He

1 basically got on -- back on track and we promoted
2 him at a later date.

3 Q. Who was that?

4 A. Oh, God, what's his name? I know his
5 nickname. Ryan Matthews.

6 Q. Okay.

7 A. We call him Opie.

8 Q. How was he vocal?

9 A. How was he vocal? So Ryan was very vocal
10 about the beards and -- the outer vest carrier. He
11 was very -- at the time the officers wanted all to
12 have outer vest carriers and beards. And there was
13 a lot of back and forth with that. And Sheriff
14 McGuffey and I believed absolutely not supplying
15 outer vest carriers or letting these officers wear
16 beards.

17 Q. Where was he expressing his disagreement
18 on that?

19 A. He expressed it to me directly and to a
20 lot of other people and. . .

21 Q. So this was an ongoing sort of beef that
22 he had for a period of time?

23 A. There was a large group of them.

24 Q. Okay. And he was part of the group?

25 A. He was part of that group.

1 Q. Okay. Did you ever warn him ahead of time
2 that he needed to stop or it would be a problem?

3 A. I don't know that I did.

4 Q. Okay.

5 A. But I believe he was talked to about his
6 attitude.

7 Q. By his supervision?

8 A. I believe so, yeah.

9 Q. Okay. In terms of RENU assignments when
10 you were the chief deputy, did the buck stop with
11 you?

12 A. So normally that was another one where
13 Major Kettelman would just advise me this is who is
14 going.

15 Q. Okay.

16 A. It really wasn't for my approval. That
17 was low enough that, you know, he's making that
18 decision.

19 Q. Did he ever tell you, you know, he had
20 selected Jason Davis for that position?

21 A. He told me that RENU had selected Jason
22 Davis.

23 Q. Okay. Did he have an opinion on that?

24 A. Not really. He didn't -- he just said,
25 hey, Jason Davis is the pick -- who RENU picked.

1 Q. And that was in early 2023?

2 A. I assume so.

3 Q. Okay. And what did you do after that?

4 A. I said, I don't think he's a good employee
5 -- or he's a good -- a good pick for that position.

6 Q. Did you tell him why?

7 A. I don't think so. I just -- I think I
8 said no, who is next on the list. He said whoever
9 that was. I said go with him.

10 Q. Okay.

11 A. I don't think there was a whole lot of
12 conversation. It was on the -- we were on the
13 phone, I remember that much.

14 Q. Okay. Did you tell the sheriff you had
15 done that?

16 A. No.

17 Q. Okay. At least not prior to your -- at
18 least not prior to later on when Jason raised it as
19 an issue, fair?

20 A. I believe I told the sheriff what happened
21 after Jason had sent the interdepartmental
22 correspondence to meet with the sheriff and I.

23 Q. The green letter?

24 A. Yes.

25 Q. Okay. We'll talk about that.

1 A. Do we know what green letters are?

2 Q. Right.

3 A. Okay.

4 Q. I'm going to ask you what they are for the
5 record in a couple of minutes.

6 A. Okay.

7 Q. Yeah.

8 A. That's why I was. . .

9 Q. Let's just do that now. What is a green
10 letter?

11 A. So a green letter is an interdepartmental
12 correspondence.

13 Q. Okay. And why are they called green
14 letters; did they used to be green?

15 A. I don't know. It was a Simon Leis thing.
16 I think it came out of the military.

17 Q. And then those would basically be moved up
18 the chain of command?

19 A. So -- yes. So communications up and down
20 the chain of command.

21 MR. WIEST: All right. So let's go
22 ahead -- let's see what we're up to -- 14.

23 (Plaintiffs' Deposition Exhibit No.
24 14 was marked for identification.)

25 Q. And I'm handing you what I've marked as

1 Exhibit 14. There's a different copy of this
2 interaction actually that was attached to the
3 complaint, but I wanted to get the whole of it.

4 Have you seen Jason Davis's May 15, 2022,
5 post about the charity football game before today?

6 A. I don't think I've ever seen this Fox 19
7 picture here.

8 Q. Okay. And there's some comments, though,
9 to it, one of who, by the way, was from our friend,
10 Caroline Adams --

11 A. Yeah.

12 Q. -- Itsa Krakken, where she writes, You got
13 to watch those smoke eating, second responders.
14 Very tricky. You guys all did an outstanding job.
15 It's on the second page.

16 Were you aware that she had commented on
17 this post about the football game?

18 A. No. I didn't see that.

19 Q. Okay.

20 A. I did see Jason Davis's comment.

21 Q. The interaction with Paul Naber?

22 A. Yes.

23 Q. Okay.

24 A. So that was brought to my attention.

25 Q. Who brought that to your attention?

1 A. I don't know. Again, it was -- there was
2 so much of that going on at the time. But I do
3 recall that.

4 Q. Do you recall seeing Jason's segment on
5 Fox --

6 A. No --

7 Q. -- 19?

8 A. -- I do not.

9 Q. Okay. Let me ask. Jason is going to
10 testify that this post was made on his own time when
11 he was off the clock. Do you have any evidence to
12 the contrary?

13 A. No.

14 Q. Would you agree this was made on Jason's
15 personal Facebook page, correct?

16 A. I -- yes.

17 Q. This is not an official sheriff's office
18 account or post, correct?

19 A. Correct.

20 Q. Okay. By the way, who was Paul Naber?

21 A. Paul Naber is now -- I don't know if he
22 was a lieutenant at this time. He might have been a
23 sergeant or lieutenant. He works for the Hamilton
24 -- for the sheriff's department and -- yeah. He's a
25 supervisor.

1 Q. And he writes, Needs more advertising
2 intradepartmental. Never knew about the game until
3 now.

4 A. Yeah.

5 Q. Jason responded, Our department didn't
6 support it. No county items were used to advertise
7 this game. Flyers were taken down from briefing
8 rooms. Let me start with this, do you know whether
9 flyers were taken from briefing rooms?

10 A. I do not.

11 MR. SIMON: Objection. Form. Lack
12 of foundation.

13 Go ahead and answer.

14 Q. Do you know whether any county items were
15 used to advertise the game?

16 A. I don't personally know, no.

17 Q. Okay. Are you aware of any official
18 support the Hamilton County Sheriff's Office offered
19 to Jason Davis relative to this football game in
20 2022?

21 A. I do not know.

22 Q. Okay. Who brought this interaction with
23 Paul Naber to your attention; was it Paul?

24 A. No.

25 Q. Okay.

1 A. No.

2 Q. Do you know who did?

3 A. I do not.

4 Q. Did they like send you a screenshot of it?

5 A. Or they showed me their phone. That's how
6 things were kind of going at that time.

7 Q. Okay. How did you -- did you do anything
8 about it after you had become aware of it?

9 A. No.

10 Q. Okay. Do you think or have any view on
11 whether the participation or lack of participation
12 by the sheriff's office in a fundraiser involving
13 fallen law enforcement officers and firefighters
14 football game in Hamilton County would be an issue
15 of public concern or not?

16 MR. SIMON: Objection. Calls for a
17 legal conclusion.

18 A. Can you repeat that?

19 Q. Yeah. Would a post about whether or not
20 the sheriff's office had supported the football game
21 be an issue of public concern --

22 MR. SIMON: Objection.

23 Q. -- to your understanding?

24 A. The fact that we didn't know about a
25 football game; is that what you're asking me?

1 Q. No. I'm just asking generally. His post
2 indicating that the department wasn't involved in
3 supporting the game, no county items were used,
4 flyers were taken down --

5 A. Well, you're saying we didn't support it
6 as if we knew about it. So if -- I don't think it
7 would be a public concern that we didn't know about
8 a football game, then we couldn't have supported it
9 because we didn't know about it. So I don't
10 see. . .

11 Q. Does Jason say that whether or not you
12 knew about it; does he post that?

13 A. But you're asking me if it's a public
14 concern, so I think the answer is --

15 MR. SIMON: You're asking him to
16 confirm what the words say on the page; is
17 that the last question?

18 MR. WIEST: Yeah. Well, I'm starting
19 with that. Sure.

20 A. If you want to confirm what the words are,
21 we can read that. But I can't say that it's a
22 public concern for the citizens to know that the
23 sheriff's office administration didn't know about a
24 football game, then they didn't support it, if
25 that's what you're asking.

1 Q. Okay. You agree, though -- if we start
2 with the start of this --

3 A. Uh-huh.

4 Q. -- that the news actually covered the
5 existence of this game occurring, right?

6 A. If you're asking me if it's a public --

7 MR. SIMON: He's asking a different
8 question.

9 MR. WIEST: Yeah, I'm asking a
10 different question.

11 Q. If you look at the very first page of this
12 exhibit --

13 A. Yeah.

14 Q. -- you would agree that Fox 19 ran a story
15 on this particular football game, right?

16 A. I would agree to that.

17 Q. Okay. Do you know when you first became
18 aware of this social media post by Jason Davis?

19 A. I do not.

20 Q. Do you remember who specifically told you
21 about the game?

22 A. About the game?

23 Q. Yeah. Or Jason's post.

24 A. No, I do not.

25 Q. Okay. Did you or Sheriff McGuffey have

1 any day-to-day interactions with Jason Davis
2 regarding the performance of his job duties?

3 A. No.

4 Q. Do you agree he worked night shifts?

5 A. Yes.

6 Q. Would you agree his immediate interactions
7 would have been with his corporal and his sergeant
8 and his lieutenant?

9 A. I agree.

10 Q. Did Jason Davis' post, including his
11 original post about the Fox 19 and this later
12 post -- his response to Paul Naber about the
13 department not supporting it meaningfully interfere
14 to your knowledge with the performance of any of
15 Jason's job duties?

16 A. Not to my knowledge.

17 Q. Okay. Do you believe his original post
18 and his reply to Paul Naber undermine any goals or
19 missions of the Hamilton County Sheriff's Office?

20 A. I think that that's more established
21 malcontent type activity. And I do believe that
22 malcontents are a detriment to the agency.

23 Q. Okay. Did Jason's post cause any
24 disruptions to the operations of the Hamilton County
25 Sheriff's Office?

1 A. I do not know of any.

2 Q. Okay. Are you aware of Jason's posts
3 creating any disharmony amongst his fellow officers?

4 A. I don't know of any.

5 Q. Okay. Are you aware of Jason's posts
6 impairing the ability of his supervisors to
7 discipline him?

8 A. I am not aware.

9 Q. Are you aware of any of Jason's posts
10 impairing any working relationships he had within
11 the Hamilton County Sheriff's Office?

12 A. I'm not aware.

13 Q. Okay. Was there any particular violation
14 of any Hamilton County Sheriff's Office policy that
15 you're aware of for Jason's posts?

16 A. Not to my knowledge.

17 Q. Okay. And that's why no discipline was
18 imposed for the football post, correct?

19 A. Yeah, there was no discipline.

20 MR. WIEST: Okay. 15.

21 (Plaintiffs' Deposition Exhibit No.
22 15 was marked for identification.)

23 Q. As an aside, Chief, you've seen the
24 complaint that's been filed in this matter, correct?

25 A. I have.

1 Q. Okay. Let's look -- this was an exhibit
2 to the complaint. I'm marking it now as Exhibit 15
3 to the deposition.

4 MR. SIMON: Did you --

5 MR. WIEST: What's that?

6 MR. SIMON: I thought we may have
7 messed up which one I was supposed to get,
8 but if you're all set.

9 MR. WIEST: 15. Yeah, I know. 15.
10 I copied it with the exhibit sticker.

11 Q. Have you seen Jennifer Patterson's posts
12 on -- I think this was actually on the sheriff's
13 department's website -- or Facebook page rather
14 relative to a press conference that was issued I
15 think in 2021?

16 A. Yeah, I don't -- I don't know anything
17 about this.

18 Q. Okay. Were you informed that Jennifer
19 Davis had made posts regarding the sheriff or the
20 sheriff's department?

21 A. Not to my knowledge.

22 Q. Never?

23 A. I knew -- later on I did.

24 Q. When did you first learn?

25 A. So when the sheriff and I discussed Jason

1 coming in about his future, and I believe his -- the
2 sheriff had brought up that Jason's wife had made a
3 bunch of posts. And I believe either she or
4 somebody sent me a post from -- I believe it was the
5 day we got sworn in from Jennifer.

6 Q. Okay.

7 A. So I read that.

8 Q. Prior to the meeting with Jason?

9 A. Prior to the meeting with Jason. Yeah.

10 Q. Okay.

11 A. This stuff -- again, I. . .

12 Q. Are these the comments you think you saw?

13 A. I don't look at this stuff. I don't think
14 so.

15 Q. Okay.

16 A. I don't know what these are.

17 Q. Okay.

18 A. I. . .

19 Q. Okay. What did the sheriff say about
20 Jennifer Davis, if anything, to you?

21 A. Just that she had made some really vile
22 comments about -- and I don't remember what all it
23 was, but some vile comments, and that she wasn't a
24 fan of the sheriffs. And then I think she showed me
25 the email or she had somebody show me the email.

1 Q. When you say email --

2 A. Or -- I'm sorry.

3 Q. -- you mean Facebook posts?

4 A. Facebook posts.

5 Q. Okay. But you don't think that was what
6 we see in Exhibit 15?

7 A. I don't -- I don't remember. I saw it --
8 I think I saw it once or twice, so I don't know.

9 Q. Okay.

10 A. This looks like these are comments on
11 something. So I don't think that's what I saw.

12 Q. I will represent --

13 A. I saw a long -- I think it was a long
14 paragraph.

15 Q. Okay. I will represent to you these are
16 actually comments from the sheriff's department's
17 Facebook page.

18 A. Okay.

19 Q. There is an official Facebook page,
20 correct?

21 A. We've turned off the comments because of
22 the insanity a couple of years ago.

23 Q. Do you know when they were turned off?

24 A. I don't.

25 Q. Okay. They would have been turned on,

1 though, the day that you took office, correct?

2 A. They were turned on when we took office.
3 Probably maybe a year into it we had to turn them
4 off.

5 Q. Okay. But the sheriff was aware of
6 Jennifer Davis's posts and told you about them,
7 correct?

8 A. She told me about the one. I don't know
9 about all of them.

10 Q. But you don't know if Exhibit 15 is what
11 she was talking about?

12 A. I don't. I don't.

13 MR. WIEST: Okay. Let's look at
14 another one.

15 (Plaintiffs' Deposition Exhibit No.
16 16 was marked for identification.)

17 Q. I'm handing you what is Exhibit 16. This
18 was also an exhibit to the complaint. This is a
19 post Jennifer made on her personal Facebook page.
20 Do you have any reason -- or let me strike that.

21 Was this what the sheriff had brought to
22 your attention?

23 A. Yes.

24 Q. Okay. Do you know who told the sheriff
25 about it?

1 A. There was so many people talking to so
2 many people at that point. I couldn't tell you.

3 Q. Okay. And your testimony is you were
4 unaware prior to your discussion that occurred after
5 Jason had sent the green letter but before the
6 meeting with the sheriff; is that the timing of
7 Jason --

8 A. Of seeing this?

9 Q. Of Jennifer Davis's Facebook post.

10 A. Yeah. And I think I heard -- I might have
11 heard things, but I don't remember.

12 Q. Okay.

13 A. The -- what I remember is reading this
14 right before we met with Jason.

15 Q. Okay. All right. Was this problematic
16 from your view?

17 A. Well, problematic is -- it's just vile
18 and -- problematic in what way, though, you know.

19 Q. The post is critical of the sheriff,
20 correct?

21 A. Yeah. And she, you know. . .

22 Q. All right.

23 A. She has her opinions. She's allowed to
24 have that.

25 Q. She's not directing any threats to the

1 sheriff or anyone within the department, correct?

2 A. I don't believe so.

3 Q. She's not calling for violence, correct?

4 A. No.

5 Q. Is there anything in Exhibit 16 that you
6 think is not an opinion?

7 MR. SIMON: Objection. Calls for a
8 legal conclusion.

9 You can answer.

10 A. It says, If you voted for her because of
11 her qualifications, not being a certified peace
12 officer, that is correct.

13 Q. Okay.

14 A. Being on the Brady list at the time, she
15 was. Then you have an IQ of a kumquat.

16 Q. That's an opinion, right?

17 A. Or a twatwaffle. That's an opinion.

18 Q. That's an opinion. Do you know if Sheriff
19 McGuffey had maintained her peace officer
20 certification?

21 A. So she had -- had to do a re-up course or
22 whatever.

23 Q. Okay.

24 A. But yeah.

25 Q. Did she have to do that after she was

1 elected?

2 A. Yes.

3 Q. Okay. Do you know when she completed that
4 course?

5 A. I don't.

6 Q. Could it have been true if she had not
7 completed it on or prior to January 4th that she
8 wasn't certified as of that date?

9 A. I guess it's possible.

10 Q. Okay. So that might actually be a true
11 statement?

12 A. It might be.

13 MR. WIEST: Okay. Let's look at 17.
14 (Plaintiffs' Deposition Exhibit No.
15 17 was marked for identification.)

16 Q. As an aside, Jennifer Davis never worked
17 for the Hamilton County Sheriff's Office, correct?

18 A. Not to my knowledge.

19 Q. She's a private citizen, correct?

20 A. Correct.

21 Q. Okay. Let's look at 17. This was I'll
22 represent to you Exhibit 4 to the complaint. And
23 it's a printout from Ms. Adams' Facebook posts.

24 A. I saw this one.

25 Q. You've seen this one before?

1 A. Yeah.

2 Q. Let's talk about this. This is dated
3 April 20 of 2023, correct?

4 A. Can I read it?

5 Q. Yeah, please.

6 A. Am I missing part of this?

7 Q. It should be two pages. Is it not?

8 A. It like -- I can't read -- oh, okay. I
9 see it.

10 Q. Yeah.

11 A. Okay.

12 Q. You were -- were you aware of Adams' post
13 in or around April 20th of 2023?

14 A. I do remember something about this, yeah.

15 Q. Okay. Did you take tours of the districts
16 to address morale around that time?

17 A. We took tours around -- when was this?

18 Q. April '23.

19 A. So we took tours around the districts just
20 to basically get out and see the troops.

21 Q. Okay.

22 A. That was the idea. It wasn't for any kind
23 of morale thing or whatever.

24 Q. Okay.

25 A. Listen to the troops, see what they need,

1 see what they want, which was beards and vests.

2 Q. Okay. Exterior load carrying vests?

3 A. Correct.

4 Q. Or why transfers or promotions that had
5 been promised had not been approved; was that also
6 the subject of the discussion? I'm on the second
7 paragraph of -- yeah.

8 A. Had been promised to many of them were not
9 approved?

10 Q. Right.

11 A. Yeah, I don't know anything about that.

12 Q. Okay. Was comments of the sheriff's
13 office's page being turned off part of the --

14 A. That was --

15 Q. -- discussion?

16 A. -- turned off.

17 Q. Was that part of the discussion, though,
18 at these meetings; did anyone bring that up?

19 A. No.

20 Q. Okay. There's a statement Adams makes, In
21 true Chaz fashion, she informed the peasants that
22 they were forbidden from having any contact with
23 Itsa Krakken. Zero. In addition, those or their
24 significant others that had the poor judgment to
25 like or comment on Itsa Krakken's posts would

1 continue to be properly punished.

2 Your testimony is that was not ever a
3 message that was sent to any of the districts,
4 correct?

5 A. That didn't happen.

6 Q. Okay. Did not happen, correct?

7 A. That did not happen.

8 Q. Okay.

9 A. In my presence.

10 Q. Okay. All right. Were you ever part --
11 or did you ever overhear a discussion where Sheriff
12 McGuffey made the statement Itsa Krakken is a fat
13 troll who sits naked in the dark and makes
14 derogatory comments, I do not read these comments, I
15 have people that read them for me, I got tired of
16 hearing about her comments, so I turned them all off
17 and I don't care that I'm not allowed to do that,
18 she can go ahead and sue me over it?

19 A. There's parts of that that are true and
20 parts of it that she's fabricating.

21 Q. Okay. What parts of that are true?

22 A. The fat troll lives in her basement. I
23 believe that was verbatim. She never said anything
24 about I'm turning off -- I turned them off and I
25 don't care I'm not allowed to do that.

1 Q. Okay. So a fat troll sits naked in the
2 dark and makes derogatory comments, was that part
3 of -- did she make that statement?

4 A. In a general sense.

5 Q. Okay.

6 A. Again, I don't -- I'm not going to say
7 that's verbatim, but that's pretty close.

8 Q. Okay. All right. Were you made aware
9 that Jennifer Davis had liked this particular post?

10 A. No.

11 Q. Okay. Did the sheriff ever bring that up
12 to you?

13 A. No.

14 Q. Okay. All right. I think you did tell me
15 you were aware of this. Jason Davis applied for a
16 position with RENU in 2022, correct?

17 A. Yes.

18 MR. SIMON: I'm sorry, I missed that.

19 MR. WIEST: Jason Davis applied for a
20 position within RENU in 2022.

21 MR. SIMON: Okay.

22 MR. WIEST: And he said correct.

23 Q. And there was a process for applying for
24 an assignment to RENU at the time, correct?

25 A. Yes.

1 Q. What was that process?

2 A. I don't know.

3 Q. Was the process designed to select the
4 best person for the job who would best promote
5 public safety and the mission of RENU?

6 A. Yes. That's what they were trying to do.

7 Q. Okay. And you were aware Jason Davis went
8 through that process, correct?

9 A. Yes.

10 Q. I know we talked about RENU when you were
11 there. Was it still the case in 2023 that RENU
12 involved overtime opportunities and either a
13 take-home cruiser or a car?

14 A. Yes.

15 Q. Okay. All right. And I think you told
16 me, you had overruled that decision to place him in
17 RENU --

18 A. Uh-huh.

19 Q. -- correct?

20 A. That's correct.

21 Q. Tell me every reason why you did that.

22 A. Again, Jason Davis has a history of being
23 a malcontent. That's why he spent the time that he
24 did down at the jail. In 2018-ish, around that time
25 frame, I was running RENU. I think we went through

1 that. I had the opportunity to interview Jason for
2 that role. I did not believe he's a good candidate,
3 and I still don't today.

4 The Facebook posts about the football game
5 like we just talked about, that was just another --
6 in my mind another action of a malcontent employee
7 and the -- at the time these beards and vests and
8 the wailing and gnashing of teeth in the Anderson
9 Township area, Jason's name came up within that.

10 I believe he was a subpar candidate. I
11 did not want him in that unit. That is the unit in
12 the sheriff's department that keeps secrets, that
13 relies on trust, that relies on teamwork and
14 camaraderie. And in my opinion, Jason Davis has
15 very little of that.

16 Now, what he did in Anderson Township -- I
17 knew that he had been a worker. And I told him that
18 in our interview. I said I know you do a good job.
19 But that doesn't mean he's going to be good in RENU.
20 And I didn't think he was the right role in 2018.
21 And, again, I don't believe he's the right role
22 today. And I made that decision. And I believe I
23 made the right decision.

24 Q. You agree that he had been advanced by the
25 RENU unit itself and the major, correct?

1 A. So the major just told me that that was
2 who RENU picked.

3 Q. Okay.

4 A. So he didn't advance him. And, again, I
5 made the decision right there and then. I said who
6 is next. And whoever that was, I said that's a
7 better candidate.

8 Q. Okay. Had you talked to any of Jason's
9 supervision to see if your theory about malcontent
10 was accurate?

11 A. No.

12 Q. Okay. Did you go and pull any of Jason
13 Davis's performance reviews to see what his
14 supervision was writing about him to decide if the
15 malcontent opinion that you held was true?

16 A. No.

17 Q. All right. Were you involved at all in
18 the union contract negotiations that had occurred
19 with respect to the 2024 contract with the
20 enforcement officers?

21 A. Yes.

22 Q. Did you or anyone else you're aware of
23 with the sheriff's office approach any of union
24 leadership and ask them as part of that contract to
25 agree to expire the corporal promotion list early so

1 that Jason Davis would not be promoted?

2 A. Did I do that?

3 Q. Or anyone else you're aware of.

4 A. No.

5 Q. Okay. So if Kevin Manos were to testify
6 that such a conversation occurred, you'd dispute
7 that?

8 A. I would.

9 Q. Okay. All right. Let's go ahead and --
10 all right. You said Jason was part of the
11 discussion about beards and vests. Who told you
12 that?

13 A. I don't know.

14 Q. Were you part of that conversation
15 yourself?

16 A. Was I part of the conversation?

17 Q. Yeah. Did Jason ever express to you that
18 he had an issue with beards or vests?

19 A. No.

20 Q. Okay. All right.

21 MR. SIMON: I know you're right in
22 the middle of things.

23 MR. WIEST: No, now is fine if you
24 guys need a break. We can do it --

25 MR. SIMON: Well, are you finishing

1 up this line of questioning? I mean,
2 that's -- I don't mind.

3 MR. WIEST: Yeah. No, we can --

4 MR. SIMON: I'm okay.

5 MR. GOTTESMAN: Let's take a break.

6 MR. WIEST: Yeah, we can go -- I
7 mean, I think we're almost at the lunch
8 hour anyway, so --

9 MR. SIMON: All right. It's just if
10 you're in the middle --

11 MR. WIEST: It's noon, so I think
12 we're ready to, you know -- we can go off
13 the record.

14 MR. SIMON: Okay.

15 THE VIDEOGRAPHER: We're going off
16 the record at 11:59.

17 (A lunch recess was taken.)

18 THE VIDEOGRAPHER: We're going back
19 on the record at 1:07.

20 BY MR. WIEST:

21 Q. Chief, we talked before we took a lunch
22 break --

23 A. Uh-huh.

24 Q. -- about the reasons that you believed
25 that Jason Davis was unfit for RENU, and I've got a

1 list of them --

2 A. Uh-huh.

3 Q. -- that I took. One of them was that you
4 believed that he was a malcontent; do you remember
5 that?

6 A. Yes.

7 Q. Can you tell me specifically any
8 particular behavior that Jason engaged in that
9 caused you to believe that he was a malcontent?

10 A. Well, I think that that -- he had the
11 reputation. We had heard from numerous people there
12 was a lot of complaining out of the Anderson
13 Township district. Jason's name came up within
14 that.

15 That Facebook text that, you know, we
16 didn't support, you know, that's -- that's not
17 normal conduct from an employee that's positive
18 about the agency. You know, that's -- that's an axe
19 to grind, malcontent. And so based upon those
20 things I just -- I believe that that conduct would
21 continue.

22 Q. Who -- you said you had heard from
23 numerous people. Can you give me any particular
24 names?

25 A. No.

1 Q. You can't give me one?

2 A. I would guess maybe Kettelman, but I don't
3 remember.

4 Q. Okay. You indicated that there was
5 dissent within Anderson Township?

6 A. Uh-huh.

7 Q. About what?

8 A. Beards and vests and other things, I
9 guess. We had -- we had some weak leadership, which
10 was causing that.

11 Q. Do you have any specific information that
12 Jason had made complaints about beards or vests?

13 A. No.

14 Q. You said Jason had a reputation as a
15 malcontent. You -- had you had any personal
16 interaction with him on the job prior to becoming
17 chief deputy?

18 A. Other than interviewing him for RENU, no.

19 Q. Okay. Tell me what you remember about
20 that interview from RENU.

21 A. I remember Jason came in. I believed that
22 Jason kind of thought he had the job, kind of came
23 in as a bit cocky. And I just remember that I -- he
24 left and I thought that he would be a bad fit for
25 the unit.

1 Q. Did you document that anywhere?

2 A. We did at one time. I don't know where it
3 would be.

4 Q. Okay. All right. And you thought that
5 based on your personal interview of him. And
6 approximately when was that?

7 A. A year?

8 Q. Yeah. A year is fine.

9 A. I think it was '18.

10 Q. Okay. All right. Do you know prior to
11 that interview if you had spoken with any of his
12 leadership?

13 A. No, I had not.

14 MR. SIMON: We're talking about 2018?

15 MR. WIEST: 2018. Yes.

16 THE WITNESS: Uh-huh.

17 Q. All right. You indicated -- by the way,
18 why did you think that he was cocky?

19 A. Well, based on his actions, based on his
20 demeanor. I know his brother very well. And he was
21 very different than his brother. He -- and I
22 wondered then if he thought he -- he was going to
23 get the job due to his brother.

24 Q. Okay. Do you recall anything that he
25 specifically said in the interview --

1 A. No.

2 Q. -- that led you to believe that?

3 A. No. Again, that was at least six -- yeah,
4 six years ago.

5 Q. Okay. Anything specific about his
6 demeanor that you recall?

7 A. (No response.)

8 THE COURT REPORTER: Can you answer
9 out loud, please?

10 THE WITNESS: I didn't answer.

11 THE COURT REPORTER: Oh.

12 A. Like I said, that -- it was six years ago.
13 I don't remember anything -- too many particulars.

14 Q. Okay. You indicated one of the reasons
15 that you did not want to select Jason for RENU in
16 2023 was that you thought he was untrustworthy.
17 That was the statement that you gave me.

18 That was one of the things you said,
19 right? I mean --

20 A. I don't believe I said he was
21 untrustworthy.

22 Q. Okay.

23 A. What I said, though, is very important --
24 trust is important in that unit.

25 Q. Okay. Did you have any reason to believe

1 that Jason was untrustworthy?

2 A. Untrustworthy?

3 Q. Right.

4 A. Well, I think that -- I guess no, I don't
5 have any reason that he was untrustworthy.

6 Q. One of the statements you made was you
7 thought Jason was subpar -- I think was the term you
8 used to describe him -- in 2023 for not being
9 selected to RENU.

10 In what way did you think that he was
11 subpar?

12 A. Well, one of the big things in RENU is to
13 be able to communicate, to be able to talk, to be
14 able to be a team player. In that interview I
15 basically believed that he wasn't a good fit for the
16 unit. And as far as the exact reasoning, I -- you
17 know, it was six years ago.

18 Q. Okay.

19 A. I just can tell you that we rank each
20 person. And Jason was pretty much towards the
21 bottom for me.

22 Q. Okay. Did you base your overriding the
23 RENU recommendation in 2023 on your experience with
24 him in 2018?

25 A. Largely, yes.

1 Q. Have you ever seen someone in the course
2 of five years undergo attitude or other changes
3 within their career?

4 A. Sure.

5 Q. Why did you think that that was not the
6 case -- or that Jason had not undergone changes in
7 his outlook in those five years?

8 MR. SIMON: Objection. Asked and
9 answered.

10 You can answer.

11 A. Well, again, I'd go back to the other
12 things that I am hearing.

13 Q. Okay.

14 A. And I can only go based upon what I'm
15 being told.

16 Q. Okay.

17 A. And the -- again, that post, that's
18 perfectly indicative of somebody that just -- a
19 malcontent. So that to me was, you know. . .

20 Q. I want to talk about things other than the
21 post. I understand the post is there. And maybe
22 that is underpinning every one of these statements,
23 and you can confirm that. I want to know other than
24 that post -- you said things you were hearing.

25 Can you point to anything specific that

1 anyone told you?

2 MR. SIMON: For 2023?

3 MR. WIEST: 2023.

4 MR. SIMON: I'm going to object.

5 Asked and answered.

6 You can try to answer again.

7 MR. WIEST: Yeah, on subpar -- your
8 opinion of him being subpar.

9 A. Yeah. Again, it -- these were things that
10 were being told to me. There's a lot of complaining
11 going on out in Anderson. Jason's name was amongst
12 those names. That's pretty much what I've got.

13 Q. But you can't tell me who told you that?

14 A. No.

15 Q. Okay. Did you ever document -- as you
16 were receiving this intelligence about people
17 complaining, you know, did you ever write a memo, a
18 file to document who was doing or saying what?

19 A. No.

20 Q. Okay. You indicated that in RENU secrets
21 are important in the drug interdiction business,
22 correct?

23 A. Very correct.

24 Q. Did you have any reason to believe that
25 Jason would spill the beans, for lack of a better

1 term, in terms of if he were to be granted a RENU
2 position?

3 A. Well, at that point in making that
4 decision, no. Later on I think yes.

5 Q. Okay. What do you base that on, later on?

6 A. Well, the amount of Facebook, the things
7 that were being put out by his wife, you know, that
8 that information comes from him and. . .

9 Q. How do you know that?

10 A. Well, she has a lot of opinions about our
11 agency apparently, and that was relayed. And it has
12 to come from him, you would think.

13 Q. Did you ever talk to her about that or
14 confirm?

15 A. Who is that?

16 Q. Jennifer Davis. The source of her --

17 A. No.

18 Q. -- information.

19 A. I've never met her.

20 Q. Okay. I mean, you were aware other people
21 had opinions about the agency? We went on for some
22 time talking about all of Caroline Adams' opinions
23 about the agency.

24 A. Oh, yeah. Oh, yeah.

25 Q. All right. Do you have any specific

1 information that Jason had ever shared anything
2 internal with the Hamilton County Sheriff's Office
3 with his wife in terms of, you know, sensitive
4 information?

5 A. Sensitive information?

6 Q. Yes, sir.

7 A. No.

8 Q. Okay. You indicated that Jason was a
9 problem from a teamwork perspective in terms of the
10 RENU --

11 A. Teamwork?

12 Q. Teamwork perspective with respect to the
13 RENU position, right; do you remember that
14 testimony?

15 A. I said that RENU -- it's a big part of it
16 and that's what you're looking for is somebody
17 that's -- you know, that pitches in and teamwork.
18 But I didn't say Jason was not a good teammate, I
19 guess.

20 Q. Okay. And you have no information to
21 believe he would not have been a good teammate on
22 RENU, correct?

23 A. No.

24 Q. Okay. You said trust was important at
25 RENU and that was one of the concerns you had with

1 Jason?

2 A. Yes.

3 Q. Other than the Facebook post that he made
4 about the game, do you have any specific information
5 about why you felt that Jason Davis was not
6 trustworthy?

7 A. Well, again, I go back to the reputation
8 as a malcontent, you know. And that's -- that's a
9 big part of it. That was, you know, the biggest
10 part of my decision.

11 Q. Okay. The reputation that came from rumor
12 mills and things you were being told, but you can't
13 tell me who was saying it, fair?

14 A. Fair.

15 MR. WIEST: Okay. All right. Let's
16 go -- I'm cheating. I'm trying to get the
17 next number. 18.

18 (Plaintiffs' Deposition Exhibit No.
19 18 was marked for identification.)

20 Q. I'll hand you what I've marked as Exhibit
21 18. On August 24, 2023, Jason had sent a green
22 letter -- we talked about what that was before --

23 A. Uh-huh.

24 Q. -- at Exhibit 18 -- and requesting a
25 meeting with both you and Sheriff McGuffey, correct?

1 A. Correct.

2 Q. The subject of that was future status,
3 correct?

4 A. Correct.

5 Q. You had an understanding Jason wanted to
6 discuss his future status with respect to the
7 Hamilton County Sheriff's Office, correct?

8 A. Correct.

9 Q. What -- let me see. Major Chris Kettelman
10 also signed off on that, right?

11 A. He did.

12 Q. And he has a note about RENU --

13 A. Uh-huh.

14 Q. -- do you see that? Do you know why he
15 had that note about RENU?

16 A. He believed -- well, I guess I'm -- he
17 believed that Jason was going to discuss his
18 opportunities at RENU, and that he was putting in
19 there that we're not going to have any more
20 movement -- projected movement until early 2024.

21 Q. And he knew that you had indicated or
22 overruled the RENU selection earlier that year,
23 correct?

24 A. Right.

25 Q. Because you had told him that, right?

1 A. Right.

2 Q. Okay. It looks like this moves up the
3 chain. It starts on August 24th. And it looks like
4 it gets to -- from what I can tell -- the captain --
5 and I'm not sure who that is, maybe you know -- 964;
6 do you know who that is?

7 A. Where are you at?

8 Q. I'm looking at the chain --

9 A. Oh. Tory Smith.

10 Q. Okay.

11 A. 964. Badge 964.

12 Q. Okay. And who was he the captain over?

13 A. Tory Smith at that point was the patrol
14 captain.

15 Q. Okay. So it goes to the patrol captain.
16 And then it looks like it then goes to --

17 A. Major Kettelman.

18 Q. -- Major Kettelman? I'm assuming -- he
19 doesn't have a date on there -- either the 28th or
20 29th is the only thing I can figure out, because it
21 looks like you get it on the 29th, right?

22 A. Yes.

23 Q. Okay. And then it gets routed to Sheriff
24 McGuffey on September 8th of 2023, correct?

25 A. Correct.

1 Q. Did you speak to her -- well, let me back
2 up. As this is moving through the chain of command,
3 is there any discussion that's going on -- you know,
4 for instance, it looks like the sergeant was out on
5 leave, but -- like from the lieutenant to the
6 captain about what this was about, if you're aware?

7 A. I believe they thought it was about RENU.

8 Q. Okay.

9 A. The RENU position.

10 Q. Okay. Did anyone speak to you about it,
11 Major Kettelman --

12 A. I would think so, that we would have
13 discussed this.

14 Q. What do you recall, if anything, in terms
15 of that discussion?

16 A. That he wants to talk about the future
17 RENU openings if he's got a chance at it.

18 Q. Okay. And then it goes to the sheriff.
19 It looks like there's some delay between when it hit
20 you and when it hit the sheriff, correct?

21 A. Yeah.

22 Q. Do you recall discussing this with her
23 prior to her signing off on it on September 8?

24 A. Not really.

25 Q. Okay. Do you recall any discussions with

1 her after September 8?

2 A. I don't recall.

3 Q. Okay. You don't dispute that you and
4 Sheriff McGuffey met with Jason Davis on October 10
5 of 2023, correct?

6 A. I don't.

7 Q. Okay. That was when you met with him,
8 right -- October 10th of '23?

9 A. I suppose so.

10 Q. Okay. What did you do, if anything, in
11 advance of that meeting to prepare for it?

12 A. So the sheriff asked me why were we
13 meeting with Jason Davis.

14 Q. Okay.

15 A. I relayed to her that he had been passed
16 up on the RENU list and that I passed him up due
17 to -- the same reasons why I told you, due to the
18 general disgruntledness and the things I was hearing
19 about Anderson Township and the Facebook posts on
20 the football game. And the conversation then turned
21 towards the Davis -- Mrs. Davis and her Facebook
22 page -- or her Facebook posts and. . .

23 Q. Okay. Did you speak with anyone else
24 other than the sheriff in advance of the meeting
25 that you had with Jason on October 10th of 2023?

1 A. No.

2 Q. Okay. I forgot to ask this at the start
3 of the deposition, and normally I do. What did you
4 do in advance of today to prepare for your
5 deposition? And let me be clear about what I'm not
6 asking. I don't want any specific communications
7 that you had with either of these gentlemen
8 sitting -- any three of these gentlemen sitting at
9 the table.

10 But other than that, what did you do, if
11 anything, to prepare to testify today?

12 A. I read the complaint.

13 Q. Okay.

14 A. And -- what's the other thing we sent --
15 you sent over the -- where you asked the questions.
16 What's that called?

17 Q. Interrogatories?

18 A. Thank you. Yeah, those two things.

19 Q. Okay. Anything else; did you review any
20 documents?

21 A. No.

22 Q. Okay. I want a yes or no answer to this
23 because I'm not entitled to substance of
24 conversations, but did you meet with counsel prior
25 to today about your testimony here?

1 A. Yes.

2 Q. Okay. How many times did you meet with
3 them?

4 MR. SIMON: About the deposition?

5 MR. WIEST: About the deposition.

6 A. I can't remember. Two.

7 Q. Okay.

8 A. Twice.

9 Q. When were those meetings?

10 A. I don't have my phone. Let's see. So
11 what's today's date? Today is Friday.

12 Q. It's the 21st of February.

13 A. So we met Wednesday.

14 Q. The 19th?

15 A. Correct. For this. And then there was
16 one date earlier. And I don't remember when it was.

17 Q. Okay. How long were those meetings?

18 A. Wednesday was two hours.

19 Q. Okay.

20 A. And the first one was an hour maybe.

21 Q. Okay.

22 A. I don't even know if it was that long.

23 Q. Okay. Without getting into specific
24 conversations that you had, did anything occur in
25 those meetings that refreshed your recollection

1 about these events that happened in 2023?

2 A. Not really.

3 Q. Okay. Would you agree that your memory
4 today about what happened on October 10, 2023, may
5 not be as good as it was that same day?

6 A. Of course.

7 Q. Okay. Do you think -- I mean, Jason came
8 in and talked with you about why he did not get the
9 RENU assignment, correct?

10 A. Correct.

11 Q. He also talked with you and the sheriff
12 about his concerns about the corporal promotion,
13 correct?

14 MR. SIMON: Sorry to do this at this
15 point, Chris. I do want to just preserve
16 our objections. I know that plaintiffs'
17 withholding of the recording was the
18 subject of a discovery motion before
19 Mr. Prem and I joined the case. It
20 obviously resulted in an order by Judge
21 Barrett.

22 Notwithstanding that, we still object
23 to the fact that that recording wasn't
24 produced in advance of this deposition.

25 And, of course, the Chief can answer

1 your question over our object.

2 MR. WIEST: Sure. And I want to know
3 about his memory.

4 Q. So you recall him -- Jason raising in that
5 meeting on October 10th concerns about promotion to
6 corporal?

7 A. I don't. I remember most of it was about
8 RENU, that I can remember.

9 Q. Okay.

10 A. I don't remember corporal.

11 Q. Would you have told him in that meeting
12 every reason why he had not been selected for RENU?

13 A. I remember that I did not.

14 Q. And why did you choose not to do that?

15 A. So the conversation went towards the
16 Facebook posts between -- what's her name --
17 Caroline Adams, Jennifer Patterson. That's kind of
18 the direction it went in. And it's -- you get
19 passionate about things. And the amount of Facebook
20 and the posts and how terrible they were and
21 offensive and -- you get a little bit emotional
22 about it and -- so, yeah, I told Jason that it was
23 about the posts, when honestly I didn't even know
24 about the posts when I made the decision.

25 Q. Okay. Why didn't you tell him that it

1 wasn't about the posts?

2 A. Well, at that point there was no reason
3 to. We wanted to -- you know, he wanted to see us.
4 I don't think that anything was said that would make
5 him believe that he didn't have an opportunity to
6 move ahead. Like I said, it kind of got a little
7 bit heated. And I guess I just didn't really want
8 to make it any worse.

9 Q. Can you tell me everything you recall and
10 your independent recollection about that October 10,
11 2023, meeting with Jason?

12 MR. SIMON: And just -- Chris, is it
13 all right if I just have a continuing
14 objection to your line of questioning so I
15 don't have to keep feeling I have to
16 object?

17 MR. WIEST: Yeah.

18 MR. SIMON: Did you say yes? I'm
19 asking for a continuing objection. So
20 then I asked opposing counsel did you say
21 yes so I don't have to keep objecting.

22 MR. WIEST: Yeah, I understand you've
23 got an ongoing objection --

24 MR. SIMON: Thank you.

25 MR. WIEST: -- you know,

1 notwithstanding the judge's order.

2 MR. SIMON: Thank you.

3 THE WITNESS: Can you repeat that?

4 MR. WIEST: Yeah.

5 BY MR. WIEST:

6 Q. Can you tell me everything that you
7 remember about the October 10, 2023, meeting with
8 Jason Davis?

9 A. We met in my office. The sheriff and
10 Jason sat in the chairs across from me. We
11 discussed -- Jason wanted to know what his future
12 held. And I really remember most of it being about
13 Facebook and Jason's wife's -- and her posts and
14 Caroline Adams.

15 And I remember the sheriff saying that --
16 oh, there was a part where Jason talked about an
17 incident that occurred between him and the sheriff
18 about something and that she questioned his
19 integrity or something to that -- I don't know. And
20 I remember the sheriff talking about the different
21 posts and things of that nature.

22 I remember at one time I told Jason that I
23 was the reason that I squashed him going to RENU.

24 Q. Okay.

25 A. That I was the reason. And I think I

1 remember him asking me if is the only reason I
2 didn't go to RENU is because of my wife's Facebook
3 page or something -- or posts, and I said something
4 to the effect that the guy -- the guy behind you's
5 wife didn't or something to that effect. That's
6 what I remember. And, again, I -- it was kind of a
7 heated moment thing. It wasn't -- it wasn't true.

8 Q. Okay. Do you recall making any untrue
9 statements to employees other than this meeting with
10 Jason Davis, other than -- I think we talked about
11 investigations or employee discipline matters?

12 A. Well, and, again, I didn't say anything
13 that wasn't untrue. I said that -- that wasn't
14 the -- all of the reasons and -- yeah. It was --
15 you know, we talked about it. I even discussed it
16 with Jason. I said, you know, how would you feel if
17 this was your wife, your daughter? You know, these
18 people have families. And the terrible things that
19 Caroline Adams has said and done on Facebook -- I
20 mean, this isn't -- this isn't just I disagree with
21 your politics or -- this is terrible, terrible
22 things that they put on Facebook.

23 And I wanted Jason to understand that --
24 that, you know, by your wife being a part -- not a
25 part of this, but being within that Facebook, liking

1 the things that this woman has said, that it's --
2 you know, it's just disappointing.

3 Q. Okay. If you had an expectation -- or you
4 knew Jason wanted to know what was holding him back,
5 correct?

6 A. Uh-huh.

7 Q. I mean, you knew that going into the
8 meeting --

9 A. Uh-huh.

10 Q. -- correct? And Jason had brought that up
11 in the course of the meeting, correct?

12 A. Uh-huh.

13 Q. And if there were concerns other than
14 Facebook that you wanted him to address, why not
15 bring that up in the course of the meeting?

16 A. Well, I think we would see his actions
17 after this and -- you know, those actions of -- I
18 think the sheriff said something about, you know,
19 getting away from negative people and stuff of that
20 nature. And, again, that was -- there was a lot of
21 negativity out at district -- at Anderson Township.

22 Q. Okay.

23 A. And so I think his actions would have
24 showed us what it would have taken for him to move
25 on in the RENU.

1 MR. WIEST: Okay. Let me hand you
2 what I'm marking as 19.

3 (Plaintiffs' Deposition Exhibit No.
4 19 was marked for identification.)

5 Q. If you can -- there's pages on the bottom.
6 If you can go back to 21.

7 A. Okay.

8 Q. That is your signature, correct?

9 A. It is.

10 Q. And you understood that you were swearing
11 that the answers you had given to the
12 interrogatories were true based on your knowledge,
13 right?

14 A. Correct.

15 Q. And it was notarized by Mr. Stackpole, who
16 is sitting here, correct?

17 A. Correct.

18 Q. Okay. All right. If you look on page 14,
19 Interrogatory No. 2, I asked about people that may
20 have knowledge about any of the allegations in the
21 complaint.

22 A. Uh-huh.

23 Q. And I know Sheriff McGuffey and you were
24 at the meeting with Jason on 10/10/23.

25 A. Yeah.

1 Q. What knowledge would Chris Kettelman have,
2 do you think, about the claims in this case?

3 A. I don't know.

4 Q. Okay. Matt Guy was the head of RENU; is
5 that --

6 A. He was.

7 Q. Okay. And he recommended Jason Davis to
8 come down --

9 A. He did.

10 Q. -- correct? Okay. All right. Who was
11 Dave Downing?

12 A. Dave Downing was -- so they -- Dave
13 Downing replaced the lieutenant that was in Anderson
14 Township.

15 Q. When did he do that?

16 A. You know, I don't know. But it was in
17 that time frame.

18 Q. Okay. Did you discuss with Dave Downing
19 any knowledge he had about Jason Davis or --

20 A. No.

21 Q. -- his work? Okay. And then Robert Viner
22 was his direct supervisor, correct?

23 A. I think that one evaluation was, so yes.

24 Q. Okay. Other than being the attorney, are
25 you aware of any factual knowledge that Pete

1 Stackpole has, because he's listed here?

2 A. No.

3 Q. Okay.

4 A. No.

5 Q. All right. In Interrogatory No. 6 the
6 question was asked, Please state all reasons why you
7 prevented, or directed others to prevent, Jason
8 Davis' reassignment to RENU in 2023; you see that
9 interrogatory --

10 A. I do.

11 Q. -- correct? And your answer was, I made
12 the decision to prevent Jason Davis's assignment to
13 RENU. RENU is an elite unit within law enforcement
14 that requires those assigned to it to protect
15 sensitive information. Trust, responsibility, and
16 secrecy are necessary for RENU officers. Jason
17 Davis did not have the necessary qualities for RENU.
18 That was your answer, right?

19 A. Correct.

20 Q. Have we talked about all the specific
21 information that you had that underlied those
22 opinions?

23 A. Say it again.

24 Q. Have we talked about all of the specific
25 information that you had that drove your opinions

1 that Jason Davis did not have the necessary
2 qualities for RENU?

3 A. Yes.

4 Q. Okay. We asked about -- please state all
5 reasons why you prevented, or directed others to
6 prevent, Jason Davis' promotion to corporal in 2023.
7 This was No. 7. It goes on to the next page, the
8 answer does. And it says, Neither Sheriff McGuffey
9 nor I prevented Jason Davis from a promotion to
10 corporal. He did not stick around long enough and
11 quit his employment with the Hamilton County
12 Sheriff's Office. That was your answer, correct?

13 A. Right.

14 Q. When was the -- if you know, the next
15 promotion to corporal after October 10th of 2023; do
16 you know?

17 A. I don't know.

18 Q. Okay. Who would know that within the
19 sheriff's department?

20 A. Who would know?

21 Q. When the next promotion was to corporal
22 after October 10th of 2023 -- to corporal.

23 A. Who would know? I'm trying to think of
24 who. Major Kettelman.

25 Q. Okay.

1 A. I mean, we could get that information to
2 you.

3 Q. Okay. All right. Number 8, Please state
4 all reasons why you told Jason Davis that he needed
5 to disassociate himself with his spouse, Jennifer
6 Davis, in order to advance his career with the
7 Hamilton County Sheriff's Office.

8 Your testimony was that you did not say
9 that, you never named Jason Davis's wife; was that
10 true?

11 A. I'm not sure what I never named Jason
12 Davis's wife means. But I never said anything about
13 disassociating with his wife. I'm not -- I think
14 that's either worded oddly or something like that.
15 I'm not sure what that means.

16 Q. Okay. Well, this is your answer. What
17 did you mean by never named Jason Davis's wife?

18 A. I don't understand that to be truthful.

19 Q. Okay. So you did name Jason Davis's wife
20 in the course of your conversation with him,
21 correct?

22 A. I don't remember.

23 Q. Okay.

24 A. I'm not -- honestly I don't know what that
25 means.

1 Q. Please -- No. 9 was please state all
2 reasons why you tried to get Jason Davis to regulate
3 or attempt to regulate the online speech of Jennifer
4 Davis. And your answer was, I did not try to
5 regulate anyone's speech; was that true?

6 A. Correct. True.

7 Q. So you never told Jason to -- that his
8 wife needed to cut her online activities out if he
9 wanted to get ahead in the organization?

10 A. I think I said I might have liked him to
11 do that or that -- I don't -- I don't recall saying
12 that she's got to do that so that he can get ahead.

13 Q. Okay. Number 10, With respect to Jason
14 Davis's Facebook post about the football game,
15 please state all reasons why you punished him for
16 that post. Your answer was, Jason Davis was not
17 punished for any post about a football game. Was
18 that true?

19 A. True.

20 Q. You agree, though, that the post in
21 question, including his statement back to the other
22 officer, was a basis under which you chose not to
23 promote him to the RENU squad, correct?

24 A. I didn't promote him to RENU because I
25 believed that he was a malcontent. That post showed

1 me that he had not changed.

2 Q. Okay.

3 A. But he was never written up for that.

4 Q. Sure. Well, you told me it wasn't a
5 violation of policy, correct?

6 A. Right.

7 Q. Okay. Are you aware that the sheriff's
8 office gave a statement to the Cincinnati news
9 outlets following the reporting of this lawsuit;
10 there was reporting on this lawsuit that we're here
11 about?

12 A. I saw it, but I didn't. . .

13 Q. You didn't have anything to do with that
14 release?

15 A. No.

16 Q. Okay. All right. Have you talked to the
17 sheriff about this lawsuit?

18 A. If we have, it's not very much -- not
19 in-depth.

20 Q. Okay. Do you recall any conversations you
21 had with the sheriff about this lawsuit?

22 MR. SIMON: I'm assuming you mean
23 outside the presence of attorneys?

24 MR. WIEST: Yeah, that's a fair
25 assumption.

1 A. Well, because I was going to say I -- you
2 know, I don't -- I don't think so.

3 MR. WIEST: Okay. I asked a question
4 -- there's Interrogatory No. 15 -- about
5 other lawsuits. We're going to mark this.

6 THE COURT REPORTER: 20.

7 MR. WIEST: 20. Thank you. You were
8 saving me from myself.

9 (Plaintiffs' Deposition Exhibit No.
10 20 was marked for identification.)

11 Q. Chief, this was produced to us in
12 discovery and it was referenced in response to
13 Interrogatory No. 15 about a litigation report.

14 A. Okay.

15 Q. And my first question is, do you know how
16 this list was compiled?

17 A. I do not.

18 Q. Do you know who compiled it?

19 A. I do not.

20 Q. I'd like you to -- if you don't mind,
21 taking just a couple of minutes and going through
22 it. And my question to you when you're done going
23 through it is going to be does this contain all the
24 litigation that you know of that's responsive to
25 Interrogatory No. 15?

1 MR. SIMON: Note my objection to this
2 question.

3 You can answer.

4 A. I guess I don't -- I don't know -- what is
5 your question?

6 Q. So we sent an interrogatory to you --

7 A. Uh-huh.

8 Q. -- you answered it, No. 15, and you said
9 look at this report for all of the litigation that's
10 responsive to several categories of litigation.

11 A. Uh-huh.

12 Q. And my question is, are you aware of any
13 other lawsuits or matters that are responsive that
14 are not contained in Exhibit 20?

15 MR. SIMON: Objection.

16 A. Yeah, I don't -- I don't know of anything
17 else.

18 MR. WIEST: Okay. I am identifying
19 this and ultimately it will be produced as
20 Exhibit 21. It is an audio recording.

21 (Plaintiffs' Deposition Exhibit No.
22 21 was marked for identification.)

23 MR. WIEST: And we're going to spend
24 some time on this. If you need a break,
25 now would be the time to do it because --

1 THE WITNESS: Go ahead.

2 MR. WIEST: -- I want to spend some
3 time going through this.

4 THE WITNESS: I'm fine.

5 MR. WIEST: Okay. Chief, for some
6 reason if you can't hear this because I'm
7 playing it on my laptop, let me know.

8 THE WITNESS: Okay.

9 MR. WIEST: I am going to -- there's
10 about 14 minutes of this video where he's
11 walking in before the meeting starts. And
12 so I'm going to forward this to the 14:21
13 minute mark -- 14:16, because it's as
14 close as my player will get -- allow me to
15 get.

16 MR. SIMON: Did you say video or
17 audio?

18 MR. WIEST: It's audio.

19 MR. SIMON: Audio?

20 MR. WIEST: It's audio.

21 MR. SIMON: Okay.

22 (The audio recording was played.)

23 MR. SIMON: Chris, can you pause it
24 for a minute?

25 MR. WIEST: Yeah.

1 MR. SIMON: Do you think it would be
2 helpful if you reviewed the transcript
3 while you're doing it, if you're going to
4 ask him questions, or --

5 MR. WIEST: I'm going to play
6 whatever I want him to talk about for him.

7 MR. SIMON: Okay.

8 MR. WIEST: And I think the intention
9 of the judge in having you guys get the
10 transcript was to keep me honest. So I
11 will do that.

12 (The audio recording was played.)

13 BY MR. WIEST:

14 Q. So I wanted to start with, you recognize
15 the sheriff's voice and your voice, correct?

16 A. Correct.

17 MR. WIEST: Okay. I'm going to
18 advance this to 16:58. But just for
19 Counsel's reference, it starts at the
20 bottom of page five on the transcript.

21 MR. SIMON: Thank you.

22 (The audio recording was played.)

23 Q. So how did you know that he was next on
24 the list?

25 A. I don't know.

1 Q. Would you have researched that beforehand?

2 A. I don't know. I might have just been
3 agreeing with Jason that he was telling the truth.

4 Q. Okay.

5 A. I don't know.

6 (The audio recording was played.)

7 Q. Okay. So you said to get to somebody that
8 we have on the street with two stripes. We usually
9 promote seven or eight people. What did you mean by
10 that?

11 A. Well, seven or eight is too much. But
12 what I'm saying is -- so if you're in RENU and
13 you're not a corporal, if you're in our traffic
14 section and you're not a corporal and you're on the
15 list and we need a patrol corporal, what we'll do is
16 we'll promote those people that are already in
17 preferred assignments and then get down to a person
18 that's working a beat. They become a corporal,
19 because we need -- we actually need the beat
20 corporal. But we're not -- we're promoting the guys
21 that are already in specialty assignments. So it --
22 it always works out that there's two or three RENU
23 guys and a traffic guy and a guy in CIS, then we'll
24 get to a patrol guy. So five guys got promoted when
25 we needed one corporal on the street.

1 Q. So if I understand what you're saying, you
2 know you need a beat cop for corporal?

3 A. Uh-huh.

4 Q. And so if there's three people ahead of
5 them that are in RENU, you'll promote them --

6 A. Yeah.

7 Q. -- because you know that you need that
8 beat cop to be a corporal; is that fair?

9 A. That's fair.

10 Q. And that's why I actually wanted you to
11 keep 12 out. Do you know who on the Exhibit 12 was
12 -- had a specialty assignment at the time?

13 A. From top to bottom?

14 Q. Just to the best of your recollection. If
15 you don't remember, that's fine. I'm just trying to
16 get a sense of that.

17 A. So the first person is Steve Von
18 Hertsenberg. He's in RENU. Mike Ritter is in RENU.
19 John Enderle is in RENU. The fourth was Jonathan
20 Hoover, who is in Traffic Safety. Matt Alexander is
21 a K-9, so he's also getting it. Herman Oyler would
22 have been the first corporal we could have promoted.
23 It would have been a road corporal.

24 Q. Okay.

25 A. So we would have promoted six just to get

1 to Herman Oyler.

2 Q. So just to understand, when the first
3 vacancy opened which caused this testing and list to
4 be created, because there were five specialties
5 ahead of Herman Oyler --

6 A. Uh-huh.

7 Q. -- you would promote those five to then
8 get to Herman to be able to promote Herman to be a
9 road corporal?

10 A. Correct.

11 Q. Okay. And so how about Jacob Partin; was
12 he specialty?

13 A. RENU.

14 Q. Okay. Rick Haun?

15 A. The same.

16 Q. RENU -- Rick Haun was RENU?

17 A. Yes.

18 Q. Okay.

19 A. Sorry.

20 Q. David -- or Dayne --

21 A. Dayne.

22 Q. -- Friedhoff?

23 A. So I don't know if -- Dayne is now a K-9.

24 I don't think he was a K-9 at that -- so I think
25 that was -- he was a patrol, I believe.

1 Q. Okay. Ryan Matthews?

2 A. And Ryan Matthews is patrol.

3 Q. Okay. Caroline Kotlas?

4 A. Traffic safety.

5 Q. Which is specialty, right?

6 A. Yep.

7 Q. Okay. Dale Mikes?

8 A. RENU.

9 Q. Dan Grimes?

10 A. I'm not -- patrol, I -- patrol, I believe.

11 Q. Okay. Ryan Braun?

12 A. RENU.

13 Q. Edward Zaczek?

14 A. Zaczek.

15 Q. Yeah.

16 A. I believe patrol.

17 Q. Okay.

18 A. At the time.

19 Q. Okay. Jeffrey Scott?

20 A. RENU.

21 Q. All right. Larry Powers?

22 A. CIS.

23 Q. That's specialty, too, right?

24 A. Criminal Investigation Section, yes.

25 Q. Shannon Cunningham?

1 A. Shannon Cunningham -- after she took the
2 test, she resigned. Medical resignation.

3 Q. Do you know how long after she took the
4 test?

5 A. I don't think we were very far down when
6 she resigned.

7 Q. And then Jason would have been patrol?

8 A. Yeah.

9 Q. How about Shane Wiseman?

10 A. So that was right in that time frame that
11 Shane was being a K-9, so I'm not sure.

12 Q. Okay. Howard Hochscheid?

13 A. Hochscheid is a patrol.

14 Q. Okay. Gary -- Gregory Burke?

15 A. By the time we promoted him, he was in
16 RENU.

17 Q. Okay. Casey Lyle?

18 A. I'm not sure. Patrol, I believe.

19 Q. Andrew Caddell?

20 A. RENU.

21 Q. Okay. Do you know when Howard Hochscheid
22 was promoted?

23 A. No.

24 MR. WIEST: Okay. All right. Okay.

25 We'll continue on on this recording.

1 (The audio recording was played.)

2 Q. That was you telling Jason that you
3 squashed him going to RENU?

4 A. That's correct.

5 Q. I mean, there's no voices being raised so
6 far in this conversation. It looks like it's fairly
7 amicable; would you agree?

8 A. Yes.

9 MR. WIEST: Okay. And we're at 19:27
10 minutes into the recording.

11 (The audio recording was played.)

12 Q. So you told him that was due to some
13 Facebook things between you and your wife and things
14 you said and did some time ago?

15 A. Yeah.

16 Q. Okay. What Facebook things did Jason do,
17 the football post?

18 A. The football post.

19 Q. Anything else?

20 A. No. And like I said, the sheriff and I
21 had just discussed the different things with the
22 Facebook with Jason's wife, and so that was fresh in
23 my head.

24 Q. Okay. How long before this meeting with
25 Jason had you and the sheriff discussed his wife's

1 Facebook post?

2 A. It was either that day or the day before,
3 I think.

4 Q. Okay. And since this meeting was at 8:30
5 in the morning, when you say that day, it would have
6 been earlier that morning?

7 A. It would have even probably been the
8 next -- the day before.

9 Q. Okay. What time do you typically come in
10 the office?

11 A. Probably about 8:00.

12 Q. Okay. So this was almost near the start
13 of your workday?

14 A. Yeah.

15 MR. WIEST: Okay. All right.

16 (The audio recording was played.)

17 Q. So what you said back was you put
18 something about a football game, it would have been
19 nice if we would have been able to a football --
20 something about that. Your wife has made numerous
21 comments to the crazy woman on Facebook. There's
22 been -- and the sheriff interrupts and says Caroline
23 Adams.

24 A. Uh-huh.

25 Q. And you say, Whatever, you know, the crazy

1 person. And she says, Yes. Okay. Go ahead. And
2 you said, So, no, that was -- that was what it was,
3 that was why you didn't get it, correct?

4 A. Yeah.

5 Q. All right. And now two years later after
6 you've been sued you're telling me there were more
7 things going on, that he was a malcontent, correct?

8 A. Uh-huh.

9 Q. Is that correct?

10 A. That's correct.

11 MR. WIEST: Okay. All right.

12 (The audio recording was played.)

13 Q. So did you know that Jason had reached out
14 to the PIO about the football game?

15 A. No.

16 Q. Okay. When he told you that, was that the
17 first time that you had heard that?

18 A. Yes.

19 Q. After the meeting did you discuss with the
20 PIO whether or not he had reached out to her?

21 A. I don't think so.

22 MR. WIEST: Okay. I'm going to
23 advance a little bit to 22 minutes. It's
24 page 11 after Jason is done talking.

25 (The audio recording was played.)

1 Q. So you mentioned that you felt that Jason
2 was challenging you on Facebook --

3 A. Uh-huh.

4 Q. -- is that correct?

5 A. Sure. Yes.

6 Q. Okay. And then his wife was conversing
7 with a crazy person that makes lies up; that's what
8 you told him?

9 A. Yes.

10 Q. Okay. Who was tracking Caroline Adams'
11 Facebook activity within the sheriff's office?

12 A. At first we did have -- our professional
13 standards folks were seeing it, because we had
14 employees that were making comments. At a certain
15 point I told them to stop even looking at it. But
16 as far as tracking it, they -- I think they were
17 just monitoring for if any of our employees would
18 say anything derogatory or anything like that.

19 Q. Are you aware of any instance in which
20 Jason Davis had made any comments on Caroline Adams'
21 Facebook?

22 A. I have no idea.

23 Q. Okay. You say you have no idea. You
24 don't recall anything, correct?

25 A. I don't recall anything, no.

1 Q. Okay. And then the sheriff is talking
2 about being associated with people that live in the
3 same household --

4 A. Yes.

5 Q. -- correct?

6 MR. WIEST: All right. I want to
7 advance to --

8 THE WITNESS: I'm getting -- I'm just
9 going to grab a water real quick.

10 MR. WIEST: You know what, if you
11 need a break, we can do that, too.

12 THE VIDEOGRAPHER: Are we going off
13 the record?

14 MR. WIEST: That's fine.

15 MR. SIMON: Let's go off the record.

16 MR. WIEST: Yeah, that's fine.

17 THE VIDEOGRAPHER: We're going off
18 the record at 2:07.

19 (A brief recess was taken.)

20 THE VIDEOGRAPHER: We're going back
21 on the record at 2:15.

22 BY MR. WIEST:

23 Q. Chief, is anything that you've heard in
24 terms of your interactions with Jason Davis so
25 far -- have you misrepresented anything to him or

1 lied to him so far in this meeting?

2 A. Lied to him? No.

3 MR. WIEST: Okay. All right. I'm
4 going to advance to page 19 on the
5 transcript, 29 minutes, 30 seconds into
6 the audio. Maybe. Close enough.

7 (The audio recording was played.)

8 Q. What did -- it was hard for me to see --
9 hear you. I think you said give them something.
10 And I'll tell you the transcript says inaudible.
11 And I haven't been able to figure it out.

12 A. Can you redo it?

13 Q. I can do my best.

14 A. I can't -- I can't hear it really.

15 MR. WIEST: Yeah.

16 (The audio recording was played.)

17 Q. I'll keep working on that if you don't --

18 A. Yeah, I can't hear it.

19 MR. WIEST: Okay. All right. I'm
20 going to advance to 32:30 on page 21 of
21 the transcript.

22 MR. SIMON: I'm sorry, what page?

23 MR. WIEST: Page 21 at the bottom.

24 MR. SIMON: Thanks.

25 MR. WIEST: Actually I think it's

1 32:50.

2 (The audio recording was played.)

3 Q. So the sheriff tells Jason Davis that his
4 wife can have 100 opinions if she wants, the sheriff
5 doesn't care, but there will be consequences for
6 Jason, correct?

7 A. Correct.

8 Q. And that was the -- by the way, you agree,
9 when it comes to the sheriff's office, the buck
10 stops with the sheriff, correct?

11 A. Ultimately, yes.

12 MR. WIEST: Okay. I'm going to keep
13 going on this.

14 (The audio recording was played.)

15 Q. So the sheriff made the statement that she
16 always considered Jason Davis to be a good officer,
17 a really good officer. Why didn't you correct her
18 about your views of him being a malcontent
19 individual?

20 A. I don't correct the sheriff.

21 Q. Okay.

22 A. She's my boss.

23 (The audio recording was played.)

24 Q. Okay. So the sheriff says, The chief I
25 think is being very honest and forthright with --

1 and we're going to be honest with you and I want you
2 to be honest with us, you know. That was to Jason,
3 correct?

4 A. Correct.

5 Q. All right. Did you disagree with her?

6 A. Did I in that moment?

7 Q. Right.

8 A. No.

9 MR. WIEST: Okay.

10 (The audio recording was played.)

11 Q. So when Jason brings up this prospect of
12 being called a malcontent and he's got a reputation
13 about being untruthful, the sheriff's response is
14 that was in the past, it wasn't with this
15 administration, correct?

16 A. Correct.

17 MR. SIMON: Objection.

18 Q. I mean, you heard it, right?

19 A. I did.

20 Q. You were in the meeting, correct?

21 A. I did -- I was.

22 Q. Did you tell the sheriff before this
23 meeting that Jason had a reputation in your view of
24 being a malcontent?

25 A. No, I did not.

1 MR. WIEST: All right. I'm going to
2 advance to 37:40 in the recording. This
3 starts halfway on page 37 -- or, I'm
4 sorry, 26 of the transcript.

5 MR. SIMON: Give me the page that you
6 said.

7 MR. PREM: 37.

8 MR. WIEST: 26 of the transcript. I
9 meant 37 minutes, 40 seconds of the audio.
10 Halfway down 26.

11 (The audio recording was played.)

12 Q. So when Jason brings up the basis of him
13 being called a malcontent about being moved on the
14 overtime list, your response was I don't know
15 anything about that?

16 A. Right.

17 Q. Okay. Was that true?

18 A. Yeah. I don't know anything about that.

19 MR. WIEST: Okay. All right. I'm
20 going to advance to 38:45 in the audio at
21 page 27. I'm not sure why that's not
22 playing. Let me reopen it.

23 (The audio recording was played.)

24 Q. So the sheriff tells Jason -- and you're
25 in the room and you respond to it -- that good men

1 are hard to find, correct?

2 A. Correct.

3 Q. Did you understand her to be referring to
4 Jason?

5 A. I did.

6 MR. WIEST: I am moving forward,
7 Counsel, to page 35 of the transcript. I
8 am at 44 minutes and 39 seconds into the
9 recording. Maybe. I'm going to back up.

10 (The audio recording was played.)

11 Q. When you refer to crazy woman, you're
12 referring to Caroline Adams?

13 A. Yes.

14 Q. Okay. And you told Jason to tell his wife
15 to stay off social media?

16 A. I did.

17 Q. Okay. And you said, My wife would -- in a
18 million years would not put something negative
19 towards this agency, because you know what, it also
20 feeds her; that's what you said?

21 A. It also feeds?

22 Q. Her, your wife. I wouldn't do -- my wife
23 would -- in a million years would not put something
24 negative towards this agency, because you know what,
25 it also feeds her.

1 A. Yes.

2 MR. WIEST: All right. 46:39 and I'm
3 on page 37 of the transcript.

4 (The audio recording was played.)

5 Q. So did Caroline Adams make posts about you
6 that your daughter saw?

7 A. Yeah.

8 Q. And did your daughter bring that to your
9 attention?

10 A. I think my wife told me.

11 Q. So your daughter told your wife who told
12 you?

13 A. I believe so.

14 Q. Okay. Did that upset you?

15 A. Absolutely.

16 Q. And when you make the statement about
17 Meatball, that's the nickname for Jason and
18 Jennifer's son?

19 A. Correct.

20 Q. How did you know that?

21 A. My daughter and --

22 Q. Meatball are friends?

23 A. They're friends, yes.

24 (The audio recording was played.)

25 Q. Okay. So you, again, emphasize to Jason

1 that Jennifer Davis talking to Caroline Adams was
2 not okay?

3 A. So understand that I am social media
4 illiterate.

5 Q. Okay.

6 A. So when I say talking to or posting, I
7 think I called it emailing once, so I'm very -- it
8 was brought to my attention that she liked -- I
9 guess they call it liking or something like that --
10 these posts from the Caroline Adams woman.

11 Again, I -- I'm going off of a lot of
12 people telling me things and a lot of it is stuff
13 that I don't understand, to be truthful, because I
14 don't have any of this stuff.

15 Q. Let me ask, in the law enforcement
16 business generally, I'm assuming that rumors run
17 rampant within the sheriff's department?

18 A. Uh-huh.

19 Q. There's probably a lot of gossip, fair?

20 A. Fair.

21 Q. How do you sort out when you're receiving
22 information what's true or not true?

23 A. Well, the people that I'm talking to are
24 normally going to be command staff level people.
25 I'm talking to our Internal Affairs and things of

1 that nature. So the people that are gossips I'm not
2 talking to them.

3 Q. Okay.

4 A. I'm talking to majors and people of that
5 nature and the people that I know that are not
6 gossips.

7 Q. And so the information that you had
8 received about Jason Davis and Jennifer Davis, you
9 can't give me specifics, but you think it was
10 someone within the command staff?

11 A. I could tell you that I -- I saw the post
12 from January, but that wasn't anything to do with
13 Caroline Adams. That was the post from January of
14 2021. Somebody showed me that, because I -- when
15 you showed it to me, I remember seeing that.

16 Q. Okay.

17 A. And then there's other things that people
18 would send me or show me. But I don't remember who
19 showed me, but. . .

20 Q. Do you remember the content of any of
21 those?

22 A. I think it was -- it was horrible things
23 said about the sheriff. One was I think it was like
24 a Brokeback Mountain and it was the sheriff and
25 Chief Terri Theetge from the City or stuff like

1 that. So I saw -- I mean, they're all -- the ones
2 I've seen, they're -- they're not sending me the
3 ones that are low -- or, you know, in the middle of
4 the road. They're very vile, disgusting.

5 Q. The more outrageous things?

6 A. They're outrageous. And I -- and that's
7 the part that we're talking to Jason that, you know,
8 your wife liking these things -- it's disappointing
9 that we have a deputy whose wife would be putting
10 that stuff down, because we would hope that Jason
11 would say, hey, they inherited a mess, they're
12 trying to turn it around, we're doing -- they're
13 doing everything they can, Gramke is working 70
14 hours a week, and that's where we're going with it.

15 Q. Did you retain any of those outrageous
16 posts with respect to any deputies or their wives
17 liking them?

18 A. No, I don't think so.

19 Q. Were there any wives other than Jason
20 Davis's wife within the sheriff's department that
21 were brought to your attention in terms of
22 interacting with Caroline Adams?

23 A. Anybody's wife? Not that I can recall.

24 Q. Okay. Do you recall Jason Davis ever
25 interacting with Caroline Adams or intelligence to

1 that effect?

2 A. Not that I recall.

3 MR. WIEST: Okay. All right. I want
4 to advance to 51 minutes and 55 seconds.
5 It's page 42. I'm trying. Okay. I'm
6 going to back up ten seconds.

7 (The audio recording was played.)

8 Q. Do you recall having -- and I just played
9 it for you -- this interaction between you, the
10 sheriff, and Jason in which he brings up the
11 promotion to corporal and your response is there's
12 going to be consequences; I mean, you just heard
13 that --

14 A. I do.

15 Q. -- right?

16 MR. WIEST: Okay. All right. I'm
17 going to go forward to 52:52. It's on
18 page 44 of the transcript.

19 (The audio recording was played.)

20 Q. Was it your understanding that the sheriff
21 knew exactly who was who and that she strategized
22 around it?

23 A. I don't really understand what she was
24 referring to, to be truthful.

25 MR. WIEST: Okay. All right.

1 Let's -- I'm going to advance to 54
2 minutes, 30 seconds. It's also on page 45
3 of the transcript. Maybe a little before
4 then because I'm technically deficient.
5 I'm going to back up a little. Sorry.

6 (The audio recording was played.)

7 Q. So not only did you not tell Jason that he
8 was malcontent, you actually told him that he did a
9 good job, correct?

10 MR. SIMON: Objection to the form of
11 the question. Lack of foundation.

12 A. Yeah. I told him he did a good job. But
13 I said, yes, there was some bitching.

14 Q. Okay.

15 A. And, again, it's -- you can do a good job,
16 but if you're malcontent, you can also spoil the
17 entire batch.

18 Q. Well, you told him that he was out there,
19 correct?

20 A. He's out there working, yeah.

21 Q. And you told him he hustled, correct?

22 A. I did.

23 Q. And you said you're not sitting around
24 bitching and whining -- well, there was some
25 bitching and whining, but you're not sitting around

1 doing nothing, you're a worker, and I've been told
2 that.

3 A. Uh-huh.

4 Q. That's what you told him, correct?

5 A. Yes.

6 Q. But I'm also not going to have somebody
7 who has badmouthed us and his wife has badmouthed
8 us. That's what you told him?

9 A. I did.

10 Q. And by him badmouthing, you're referring
11 to the football post, correct?

12 A. Yes.

13 Q. There was nothing else that you were
14 referring to, correct?

15 A. I was -- well, again, there was the
16 constant complaining that was going on out at
17 District 5 out in Anderson Township.

18 Q. Okay. If I were to tell you that we've
19 got a transcript and constant complaining in
20 Anderson Township is not anywhere in that
21 transcript, would that surprise you?

22 A. What transcript are you talking about?

23 Q. I've got a transcript of this audio
24 recording.

25 A. No, it wouldn't.

1 Q. Okay. And you told him because he was
2 badmouthing and his wife was badmouthing there was
3 going to be consequences, right?

4 A. Right.

5 Q. Okay. And when he brings up the football,
6 your response was I had no idea, none of us had any
7 idea?

8 A. Yeah. I had no idea that he had a game or
9 anything. I didn't know anything about it, so how
10 could you expect me to support you.

11 Q. Okay. All right. And those consequences
12 were no RENU assignment, right?

13 MR. SIMON: Objection.

14 Q. That was a consequence?

15 MR. SIMON: Objection to the form of
16 the question. Lack of foundation.
17 Misleading.

18 A. The consequences for -- when I talk about
19 that, the football post -- again, what that did was
20 that cemented my opinion of Jason. We went down
21 this road of talking about the Facebook things
22 because, like I said, that was what we talked about
23 coming up into this interview with Jason. And it
24 kind of took center stage.

25 Q. Okay. When you said consequences -- we

1 just heard it. I can play that again if you want me
2 to. I'd be happy to. The consequences you were
3 referring to was getting pulled from the RENU
4 assignment, correct?

5 MR. SIMON: Objection to the form of
6 the question. He doesn't have the
7 transcript in front of him.

8 MR. WIEST: All right. I'll play it
9 again for him. That's fine. I'll play it
10 a dozen times if we need to. Let me go
11 ahead and do that.

12 (The audio recording was played.)

13 Q. So when you said this is now going to have
14 consequences, you were talking about somebody who
15 has badmouthed us and his wife has badmouthed us,
16 correct -- that was what you heard?

17 A. So that's what I stated.

18 Q. And what were -- was one of those
19 consequences the getting pulled from the RENU
20 assignment?

21 A. Well, those weren't the only reasons why
22 he was not getting the RENU assignment. And, again,
23 I've already gone over the reasons why. Again, this
24 is a conversation where we were trying to explain to
25 Jason why the comments and the likes and things of

1 that nature on social media were bad for the agency.

2 Q. What consequences then were you referring
3 to?

4 A. Well, the fact that he sent that post out
5 about the football game. And, again, that
6 solidified my belief in who he was. And that's why
7 he didn't get RENU. So that was why -- that was the
8 consequence was that he didn't get that.

9 Q. And another consequence was he was sitting
10 next on the promotion list to corporal. That was
11 another potential consequence, correct?

12 A. But we hadn't made that decision.

13 Q. Okay.

14 A. There was no --

15 Q. Okay.

16 A. -- that never came up.

17 Q. All right. But he was next, correct?

18 A. And I told him that, I don't know what we
19 were going to do. There was no decision made on
20 that at that point.

21 Q. That would depend in part on his actions
22 as well as his wife's actions, fair?

23 A. It would depend on his actions.

24 Q. Then why would you mention his wife
25 badmouthing us -- and, by the way, Chief, I think

1 it's been mentioned by you at least four or five
2 times in this conversation, maybe more. Why would
3 you bring that up if that wasn't something that he
4 needed to deal with?

5 A. Well, I think it is something that it
6 became personal and it was an opportunity to address
7 it. And that's what it was used as, but it. . .

8 Q. If it wasn't a problem that was holding
9 him back, why would it be addressed at all?

10 A. We talked about that meeting -- before
11 that meeting, and, again, this was brought up before
12 the meeting. As I told the sheriff why I skipped
13 over him, she brought up the Facebook stuff. That
14 was kind of on the -- it kind of led the meeting.
15 But it just wasn't really the -- those weren't the
16 reasons why he did not get RENU.

17 MR. WIEST: Okay. I want to advance
18 to page 60 of the transcript, 1:07:23.

19 (The audio recording was played.)

20 Q. So, Chief, I want to talk about what you
21 said. You began with -- one of the things you said
22 was well, how would you feel -- how would you feel
23 if some crazy person -- I mean, she's literally --
24 she's crazy. And these city cops keep feeding her
25 stupid shit and they think it's funny because she's

1 crazy and then she does these memes about the
2 sheriff or me or anybody else. But, again, if that
3 was your wife, flip the scenario here, okay; how
4 would that feel?

5 You were referring to his wife's
6 interactions with Caroline Adams, correct?

7 A. Correct.

8 Q. Okay. And then you made the statement,
9 And do you think -- do you think that if we promoted
10 you after what your wife had done and said and what
11 you had done and said, do you think we'd open the
12 floodgates of hell to anybody that wants to be
13 critical of this administration? I mean, Christ, we
14 have shut the comments off because of these crazy
15 people. These people have no idea what -- they have
16 no idea what we're doing. They have no idea. They
17 just -- they believe that maybe we have a Star
18 Chamber down here and that we plan evil things.
19 We're too busy. We're working. We're rebuilding an
20 entire sheriff's department. So there has to be
21 consequences, Jason. There has to be. We can't
22 promote you after what's been done. Now, I'm not
23 saying that's forever, but I need to see a change.
24 We need to see a change in attitude.

25 Those were your words, correct?

1 A. Correct.

2 Q. Were they true at the time?

3 A. They were.

4 MR. WIEST: Okay. Yeah, I'm going to
5 move forward to 65 on the transcript.

6 It's getting near the end here. And I'm
7 at one minute -- or, I'm sorry, one hour,
8 12 minutes, 50 seconds of the audio.

9 (The audio recording was played.)

10 Q. So you indicate to Jason Davis that after
11 the sheriff asked you where do we go from here, you
12 said that you've said your peace and you think that
13 Jason understands and you think that he knows what
14 to do; you heard that, right?

15 A. I did.

16 Q. And you then say, I mean, I'm not telling
17 you that you're blackballed, you're not, but you --
18 again, there's consequences, correct?

19 A. Uh-huh.

20 Q. That's what --

21 A. Yes.

22 Q. -- you said? Okay.

23 A. Yes.

24 Q. And then you make the point later that
25 there was a guy right behind him that didn't make a

1 comment about us not being at a football we didn't
2 know about and who didn't have a wife who was on
3 Facebook and talked to crazy people that had made
4 horrible memes about the sheriff, so just -- you're
5 not blackballed, you can go forward and be
6 successful, but we'll see where it goes and it needs
7 to change, correct?

8 A. Correct.

9 Q. Okay. Had you heard the sheriff in the
10 context of this conversation indicate -- and I know
11 I've played some of it for you -- that Jason needed
12 to let people go in his life that were holding him
13 back?

14 A. I believe I remember some of that, yes.

15 Q. Okay. Who did you think that she was
16 referring to?

17 A. The other officers over in Anderson that
18 were complaining and griping and things of that
19 nature.

20 Q. Okay. And when she had the conversation
21 about somebody that was living with her and kicking
22 them out -- do you remember that at the start --

23 A. I do.

24 Q. -- of this deposition? Do you think that
25 could be taken as somebody's spouse; that when she's

1 talking about getting rid of people, do you think
2 Jason might have understood that to be his spouse?

3 MR. SIMON: Objection.

4 A. I don't know what Jason thought.

5 Q. Do you think it would be unreasonable for
6 him to construe that as his spouse after all of
7 these conversations about his spouse's social media
8 activity?

9 MR. SIMON: Objection. Form of the
10 question. Lack of foundation.
11 Misleading.

12 A. I think it's a pretty big stretch to think
13 that somebody is going to tell somebody to leave
14 their wife over things like this.

15 Q. So right after the sheriff talks about
16 getting rid of this roommate that was living with
17 her for a period of time, the next statement she
18 makes is about her wife -- Jason's wife being her
19 own person and then there being accountability; do
20 you recall that exchange?

21 A. Something like that, yes.

22 Q. Okay. And you don't -- it would be
23 unreasonable for Jason to assume that the person
24 that the sheriff is referring to getting rid of in
25 his life is his spouse; that's your testimony?

1 MR. SIMON: Note my objection.

2 Again, this is the first time he's heard
3 the recording. He doesn't have the
4 transcript.

5 You can go ahead and try to answer.

6 A. I don't think I can answer what Jason
7 thinks of this scenario. I don't -- you know, I
8 just can't answer this question.

9 Q. Did you come up across -- or away from
10 this conversation with Jason Davis at any point in
11 time with the suggestion that if Jennifer Davis did
12 not discontinue her social media activity, that
13 there was an expectation that Jason no longer have
14 her involved in his life; did that strike you at any
15 point in time?

16 MR. SIMON: Objection to the form of
17 the question. Compound. Lack of
18 foundation.

19 A. I don't -- I'm sorry. I don't understand
20 the question.

21 Q. Yeah. As you were listening to the
22 sheriff talking about this person that had lived
23 with her and then transitioning immediately after
24 that into Jason's wife being her own person, it did
25 not strike you at any point in time that the sheriff

1 was talking about getting rid of people in Jason's
2 life that would include his spouse if she didn't
3 discontinue her social media activity?

4 A. No. I believe she was talking about the
5 Anderson -- the officers in Anderson Township.

6 Q. Okay. Did she ever say that, that she was
7 referring to the officers in Anderson Township?

8 A. No. But, again, we had that conversation
9 before the meeting.

10 MR. WIEST: Okay. All right.

11 MR. SIMON: This may be wishful
12 thinking on my part. Are you finished
13 with asking about the meeting or not?

14 MR. WIEST: I am done -- well, I
15 think so, unless we get into -- you know,
16 unless I have to reopen it. But I think
17 I'm generally done.

18 MR. SIMON: I'm not being
19 provocative. We just wanted to, you know,
20 preserve our objections, notwithstanding
21 the judge's order, and on that basis we do
22 move to strike the Chief's testimony on
23 that entire subject regarding the meeting.

24 MR. WIEST: Well, you can certainly
25 take that up with the Court. I know

1 there's been an order already on this, I
2 guess, you know, so --

3 MR. SIMON: No. I understand. I'm
4 preserving our objections --

5 MR. WIEST: Sure.

6 MR. SIMON: -- for the entire
7 proceedings.

8 MR. WIEST: All right. I'm going to
9 hand you what I've marked as Exhibit 22.

10 (Plaintiffs' Deposition Exhibit No.
11 22 was marked for identification.)

12 MR. SIMON: Did we skip 21?

13 MR. WIEST: I'm sorry, was 21 next?

14 MR. SIMON: Oh, is 21 the recording?

15 MR. WIEST: Yeah, 21 is the
16 recording.

17 MR. SIMON: Sorry.

18 MR. WIEST: 22.

19 BY MR. WIEST:

20 Q. Let me start here, Chief. Did you receive
21 an email from Jennifer Davis following your meeting
22 with Jason on October 16, 2023?

23 A. I did.

24 Q. Let me start here. Do you know why that
25 wasn't produced by defendants to us in discovery?

1 MR. SIMON: Well -- okay. I'm going
2 to make an objection. Obviously, you
3 know, Chris, I'm not -- I wasn't on the
4 case earlier.

5 Is this an email that you sat on and
6 didn't disclose to us?

7 MR. WIEST: My clients gave this to
8 us I think in the last 24 hours. But I
9 will say this --

10 MR. SIMON: I mean --

11 MR. WIEST: -- hold on -- the content
12 of it -- not in this form, the content of
13 it was disclosed in discovery to the
14 defendants. In other words, the -- I can
15 show you what was produced was not in this
16 format.

17 We were aware that she had sent
18 correspondence that was produced in
19 discovery. I was unaware that it was sent
20 by email. And so she had provided us the
21 email.

22 But the actual subject of this had
23 been produced in discovery and is in our
24 discovery to you all.

25 MR. SIMON: In some other form,

1 you're saying?

2 MR. GOTTESMAN: It was a photograph.

3 MR. WIEST: It was a photograph.

4 MR. GOTTESMAN: Not the actual email.

5 MR. SIMON: Okay.

6 MR. WIEST: Right.

7 BY MR. WIEST:

8 Q. Let me ask, does this Exhibit 22 reflect
9 accurately the email that Jennifer Davis had sent to
10 you?

11 A. I believe so.

12 Q. Do you think from reading this that
13 Jennifer Davis did not understand the message that
14 you and the sheriff had conveyed to Jason about
15 Jennifer stopping her criticism of Sheriff McGuffey
16 and her administration?

17 A. Can you repeat that, please?

18 Q. Yeah. Do you think in reading this email
19 that Jennifer Davis plainly didn't understand the
20 message that you and Sheriff McGuffey had conveyed
21 to Jason in the meeting that Jennifer needed to stop
22 her criticism of Sheriff McGuffey and her
23 administration?

24 A. No. She criticizes us in this email, I
25 would guess.

1 Q. Yeah.

2 A. I would look at it, yeah.

3 Q. Okay. So the extent that Jason was given
4 some period to address in part his wife's behavior
5 and speech, he was not meeting your expectations in
6 that regard, fair?

7 A. Well, he -- I should say Jennifer did not
8 stop criticizing us, so. . .

9 Q. Okay. Did you do anything when you
10 received this email?

11 A. I might have forwarded it to someone. I
12 don't know. I thought maybe I forwarded it to Pete,
13 but maybe not.

14 Q. Okay.

15 A. I didn't want to -- probably not. I don't
16 think I did anything with it.

17 Q. Did you talk about it with the sheriff?

18 A. I think I did.

19 Q. What do you recall discussing with respect
20 to the sheriff?

21 A. I just said that Jennifer I guess sent me
22 this email. I guess Jason went home and told her
23 about what our meeting was about.

24 Q. Anything else?

25 A. Not that I can recall.

1 Q. Okay. Did you learn prior to Jason Davis
2 tendering his resignation that he had begun looking
3 for other positions in law enforcement?

4 A. No, I had not.

5 Q. Okay. All right. In response to
6 Jennifer's email did you make any notes in Jason's
7 file or do anything, have any discussions with any
8 of his chain of command about expectations?

9 A. No, I did not.

10 MR. WIEST: Okay. I'll hand you what
11 I've marked as Exhibit 23.

12 (Plaintiffs' Deposition Exhibit No.
13 23 was marked for identification.)

14 Q. Backing up to Jennifer Davis's email, is
15 there any reason why you did -- strike that.

16 Is there any reason why you chose not to
17 respond to Jennifer's email?

18 A. I just didn't see the point of it.

19 Q. Okay. You didn't think it would do any
20 good?

21 A. No, I did not.

22 Q. Okay. Jason resigned after 22 years with
23 the Hamilton County Sheriff's Office on
24 January 30 -- I'm sorry, January 8th of 2024,
25 effective January 22 of 2024, correct?

1 A. End of -- yes.

2 Q. Okay. When did you learn about Jason
3 Davis's resignation?

4 A. I get these pretty quickly. So my guess
5 is -- this was signed on the 8th. I would say
6 sometime in, you know -- you know, I don't know. I
7 don't know.

8 (Mrs. Davis exits the room.)

9 Q. In any event, if you turn the page there's
10 a letter from the sheriff that she signs on
11 January 12th to Jason Davis; do you see that?

12 A. Yes.

13 Q. Would it be fair to say that you would
14 have seen this before January 12?

15 A. No. This goes out from our HR. And
16 that's actually not even the sheriff's.

17 Q. Not the sheriff's signature?

18 A. No. It's a digital thing that just goes
19 out from HR.

20 Q. Okay. All right. Jason gave two weeks'
21 notice, correct?

22 A. Yes.

23 Q. Did you learn at some point that he had
24 obtained a position with the Springdale Police
25 Department?

1 A. I had.

2 Q. When did you learn that?

3 A. I don't know.

4 Q. On the last page of this there's an
5 invitation to participate in the exit interview; do
6 you see that?

7 A. I do.

8 Q. Is that exit interview maintained at all
9 by the sheriff's office?

10 A. It is -- well, it's maintained by the
11 company, but that's whatever that's called.

12 Q. Okay.

13 A. But, yeah, we do have access rights or
14 whatever, but -- yeah, we do have access to those.

15 Q. Did you ever review the contents of that
16 exit interview with Jason Davis?

17 A. Did I inter- -- with Jason or. . .

18 Q. No, sir. Did you ever review it?

19 A. I did. I did.

20 Q. When did you do that?

21 A. Again, I don't know. After he had gone.
22 And it usually hits my computer a day or two later.

23 Q. Okay. What do you recall from that exit
24 interview?

25 A. That he said something in the effect that

1 he was leaving because we wanted to -- him to leave
2 his wife. That's really -- pretty much all I
3 remember.

4 Q. Did you ever reach out to him, if that
5 wasn't the case, to disabuse him of that
6 understanding?

7 A. No. I believe at that point it was -- we
8 were past that.

9 Q. Okay. Have you made any statements to the
10 Chief of Springdale Police Department about Jason
11 Davis?

12 A. The only thing I said to him -- and I know
13 Tom from going way back. And he's stolen a couple
14 of our people. And I have teased him saying, you
15 know, good luck with this one or something like that
16 maybe, but. . .

17 Q. Okay. How many times did you have a
18 conversation -- by the way, who is that chief?

19 A. Tom Butler.

20 Q. How many times did you have a conversation
21 with Tom Butler about Jason Davis?

22 A. Maybe once.

23 Q. Okay.

24 A. And, again, it's usually we're -- it's a
25 joking type thing, because I think he has hired like

1 four or five people from us.

2 Q. Okay. All right. Chief, I'm sure you're
3 aware there's a punitive damage claim that's part of
4 the remedies that are requested in this case. And
5 I've got some questions about assets, but I'm
6 guessing your counsel -- because they objected in
7 the interrogatories about that -- may be telling you
8 not to answer. I don't know. But I'm going to ask
9 them anyways, and they can -- you guys can decide
10 what you want to do about it.

11 MR. SIMON: Well, before we do
12 that -- I mean, obviously under the rules
13 we can object to questions that are
14 oppressive annoyance for the witness.

15 And honestly, Chris, my experience of
16 being on the plaintiff side for many
17 years, we can certainly work out some
18 agreement that if this case proceeds, you
19 know, past dispositive motions that the
20 judge is going to allow punitive damage
21 instruction, we can -- you know, you're
22 entitled to certain discovery.

23 So it's sort of a timing issue. I
24 don't see the point of putting it -- each
25 on the record. If that's your practice,

1 you do that, but that's been my practice.

2 MR. WIEST: I mean, I have litigated
3 this issue in motion to compel practice.
4 I think I'm entitled to sworn testimony
5 about it, you know.

6 MR. SIMON: I mean, I'm not -- I
7 don't think it's right. I think some
8 lawyers -- and maybe we should just hash
9 this out off the record, but I don't think
10 it's right to tell the witness they can't
11 answer a question unless it's privileged.

12 I think that the proper response is,
13 look, we can't continue the deposition if
14 you're going to ask questions that are not
15 proper to Rule 26. And then, again, we
16 can have some agreement later to conduct
17 that discovery when it's more appropriate
18 in the stage of litigation.

19 MR. WIEST: I don't mind holding off
20 under the agreement with counsel that --
21 notwithstanding any discovery deadlines in
22 this case, that after dispositive motions
23 are ruled on -- frankly I can tell you
24 we're moving for partial summary on
25 liability in this case. It's been our

1 intention all along to conduct the
2 discovery. I don't mind waiting. But I
3 do want an agreement on the record right
4 here that we can and will be allowed to
5 conduct that discovery after there's been
6 a dispositive motion ruling and maybe we
7 can do an agreed order to that effect for
8 60 or 90 days. I've done that in other
9 cases.

10 MR. SIMON: I'll agree to that with a
11 caveat that we might want to present a
12 punitive damages issue to the judge. Now,
13 that's not usually part of a dispositive
14 motion.

15 But with that caveat, we'll come to
16 some agreement that if we get to that
17 state, that you can ask those questions, a
18 motion for protective order.

19 But, again, what I'm spelling out is
20 I'm not sure that if you get a dispositive
21 motion ruling in your favor, whether it's
22 denying our motion or granting yours in
23 part, I still would want to, as we talked
24 about, get a ruling from the judge on
25 whether he's going to give a punitive

1 damages instruction or the defendant has
2 to provide that sort of information. But
3 I think we're very close to --

4 MR. WIEST: Here's what I'd like to
5 do. I'd like to leave this deposition
6 open for the purposes of conducting
7 punitive damage related discovery,
8 including all financial assets subject to
9 any agreement or further order of the
10 court.

11 And I think at this point -- let me
12 confer with Zach, if that's okay, and
13 then -- let me confer with Zach. I may
14 have a couple of follow-ups. And then I
15 think we're about done.

16 THE VIDEOGRAPHER: We're going off
17 the record at 3:16.

18 (A brief recess was taken.)

19 THE VIDEOGRAPHER: We're going back
20 on the record at 3:26.

21 BY MR. WIEST:

22 Q. Chief, it's going to seem like I'm jumping
23 around, but it's always that way at the end of a
24 deposition where I'm batting cleanup. There was a
25 mention in the phone call about Andrew Caddell being

1 behind Jason Davis. You recall seeing that,
2 correct -- or hearing that?

3 A. Hearing that, yes.

4 Q. So you knew that Andrew was after Jason on
5 the list, correct?

6 A. I did.

7 Q. Why would he be mentioned if he was at
8 RENU at the time, or were you referring to the RENU
9 position?

10 A. You've got me confused.

11 Q. So you told me when we went down the
12 eligibility list --

13 A. Uh-huh.

14 Q. -- that Andrew Caddell was at RENU.

15 A. Uh-huh.

16 Q. But you mentioned that he was sitting
17 behind Jason Davis and that his wife had not made
18 comments about the sheriff. And my question was,
19 Jason was looking for a promotion to corporal within
20 the patrol division, but Caddell at the time was in
21 RENU. So why would you have brought up Caddell as
22 the comparer?

23 A. I passed over Jason to go to RENU and
24 Caddell got the job.

25 Q. Okay. So Caddell filled -- you were

1 referring not to the corporal promotion --

2 A. No.

3 Q. -- you were referring to the RENU
4 selection?

5 A. Yes.

6 Q. Okay. All right. And Caddell was lower
7 on the selection list from RENU than Jason was, and
8 so you passed Jason over to pick Caddell?

9 A. Yes.

10 Q. Okay. Now I understand. Thank you. Are
11 you aware of any instance where -- we talked about
12 outrageous posts and memes that had appeared on
13 Caroline Adams' Facebook page --

14 A. Yes.

15 Q. -- with some degree of frequency. Are you
16 aware of any instance where Jennifer Davis had made
17 such a meme or commented on such a meme -- and I'm
18 not talking about liking, because I'm going to --
19 you know, I'm aware that she had liked certain posts
20 --

21 A. Yeah.

22 Q. -- but where she had done anything other
23 than liking a post?

24 A. No. My -- my information that I had
25 gotten was that Jennifer had liked Caroline Adams's

1 posts.

2 Q. Okay.

3 A. That was the information.

4 Q. Did you have any specific posts that she
5 had liked that were particularly outrageous?

6 A. There were -- they're all outrageous
7 practically.

8 Q. Okay.

9 A. So I don't know off the top of my head.

10 Q. I mean, you had given us some examples, I
11 think, of pretty offensive ones earlier today. And
12 my question was, do you know whether Jennifer had
13 liked the ones that you had referenced, that you had
14 mentioned?

15 A. I don't know.

16 Q. Okay. All right. Is Tom Butler a
17 reliable man in your opinion?

18 A. Tom?

19 Q. Yeah.

20 A. Yeah, I believe Tom to be a reliable man.

21 Q. Do you think he's truthful?

22 A. I believe he's truthful.

23 Q. I realize you -- we did not play the
24 entire hour and 15 minutes of the recording today,
25 but anything that we played that you recall making

1 anything -- any statement to Jason Davis that you
2 did not think was truthful on reflection sitting
3 here?

4 MR. SIMON: Objection. Asked and
5 answered.

6 A. I did not tell him that due to him being a
7 malcontent. That was my reasoning.

8 Q. Okay.

9 A. So I did not tell him that in that
10 meeting.

11 Q. So that was an issue of omission; that was
12 something you withheld?

13 A. Yes.

14 Q. Anything that you affirmatively told him,
15 though, that was not true?

16 A. Well --

17 MR. SIMON: Objection. Objection to
18 form. Asked and answered. It was a long
19 conversation.

20 A. Again, the comments -- or his wife liking
21 those posts, I -- I had just learned about those in
22 the recent -- you know, after the fact. And they
23 were -- it was upsetting. And that was -- so when I
24 did tell him that that was part of the reasoning and
25 that there were consequences because of that, that

1 was not completely accurate.

2 Q. Okay. Anything else?

3 A. No, I don't think so.

4 MR. WIEST: Okay. Chief, I don't
5 have anything else for you.

6 MR. SIMON: All right. I do have
7 just a couple of questions.

8 MR. WIEST: Sure.

9 MR. SIMON: And it's on that subject.

10 DIRECT EXAMINATION

11 BY MR. SIMON:

12 Q. You had said at some point today, Chief,
13 that you're not on social media, correct?

14 A. No.

15 Q. All right. Are you comfortable with the
16 vernacular of social media, liking posts and memes
17 and so forth; is that language that you regularly
18 use?

19 A. Not really.

20 Q. All right. A few times in your testimony
21 you referred to Jennifer Davis's Facebook posts,
22 plural --

23 A. Correct.

24 Q. -- do you recall that? All right. You
25 know that during the course of the deposition you

1 were shown a single Facebook post of hers that was
2 at the time that the sheriff started in 2021, right?

3 MR. WIEST: Objection. Leading.

4 Mischaracterizes the testimony and the
5 exhibits.

6 Go ahead.

7 A. Yes.

8 Q. All right. You had been shown posts -- I
9 think it was a post on her Facebook page, as well as
10 a post on the Sheriff's Office Facebook page, right?

11 A. Yes.

12 Q. All right. Other than -- and that post or
13 posts, did you become aware of them before you made
14 the RENU decision or after, to the best of your
15 recollection?

16 A. After.

17 Q. All right. As you sit here are you aware
18 of any other Jennifer Davis posts regarding the
19 Hamilton County Sheriff's Office?

20 A. No, I'm not.

21 Q. All right. When you -- you were saying
22 that before you went into the meeting, at some point
23 you were alerted to the fact that she had liked
24 Caroline Adams's Facebook posts, right?

25 A. That's correct.

1 Q. All right. So when you were referring to
2 Jennifer Davis's Facebook posts, plural, what were
3 you referring to?

4 A. Likes.

5 Q. All right. You also were asked a very
6 specific question about a portion of the meeting
7 that was recorded. And I suppose just for the
8 record, although I can't show you the transcript, it
9 is page 26 of the transcript. Mr. Davis is
10 describing that he had at some point objected to
11 having, as I understand, too much overtime and he
12 says -- according to the transcript -- well, I think
13 it's okay that I read the transcript out loud. I
14 don't want to violate the understanding.

15 Mr. Davis says, And I did -- and I did
16 stir the pot a little bit. Emails started flying
17 about being moved on the overtime list, and that's
18 where the whole malcontent thing came in. I don't
19 like that, but I'll tell you like that's a little
20 bit unfair, you know.

21 And then you are saying in the transcript,
22 I don't know anything about that. Do you recall
23 talking about that with --

24 A. I do.

25 Q. -- opposing counsel? When you said I

1 don't know anything about that, what were you
2 referring to?

3 A. That specific situation, not that Jason
4 Davis is not a malcontent.

5 MR. SIMON: All right. I don't have
6 any further questions.

7 MR. WIEST: We don't either.

8 THE VIDEOGRAPHER: We're going off
9 the record at 3:34.

10 (Witness excused.)

11 (Deposition concluded at 3:34 p.m.)

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A C K N O W L E D G E M E N T

STATE OF _____ :

COUNTY OF _____ :

I, JAY GRAMKE, have read the transcript of my
testimony given under oath on February 21, 2025.

Having had the opportunity to note any
necessary corrections of my testimony on the errata
page, I hereby certify that the above-mentioned
transcript is a true and complete record of my
testimony.

JAY GRAMKE

REPORTER'S CERTIFICATE

I, Kristina L. Laker, Court Reporter and
Notary Public, do hereby certify:

That the witness named in the deposition,
prior to being examined, was duly sworn;

That said deposition was taken before me
at the time and place therein set forth and was
taken down by me in shorthand and thereafter
transcribed into typewriting under my direction and
supervision;

That said deposition is a true record of
the testimony given by the witness and of all
objections made at the time of the examination.

I further certify that I am neither
counsel for nor related to any party to said action,
nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF I have subscribed my
name and affixed my seal this 9th day of March,
2025.

/s/ Kristina L. Laker

Kristina L. Laker
Notary ID 592345
My Commission expires: 12/21/25